

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
**THURSDAY, APRIL 25, 2013**

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**THE COUNCIL**

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*Minutes of the Proceedings for the  
STATED MEETING  
of  
Thursday, April 25, 2013, 2:43 p.m.*

The President Pro Tempore (Council Member Rivera)  
*Acting Presiding Officer*

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Michael C. Nelson
Charles Barron	Sara M. Gonzalez	James S. Oddo
Gale A. Brewer	David G. Greenfield	Annabel Palma
Fernando Cabrera	Vincent M. Ignizio	Domenic M. Recchia, Jr.
Margaret S. Chin	Robert Jackson	Diana Reyna
Leroy G. Comrie, Jr.	Letitia James	Donovan Richards
Elizabeth S. Crowley	Andy King	Joel Rivera
Inez E. Dickens	Peter A. Koo	Ydanis A. Rodriguez
Erik Martin Dilan	G. Oliver Koppell	Deborah L. Rose
Daniel Dromm	Karen Koslowitz	Eric A. Ulrich
Mathieu Eugene	Bradford S. Lander	James Vacca
Julissa Ferreras	Jessica S. Lappin	Peter F. Vallone, Jr.
Lewis A. Fidler	Stephen T. Levin	Albert Vann
Helen D. Foster	Melissa Mark-Viverito	James G. Van Bramer
Daniel R. Garodnick	Darlene Mealy	Mark S. Weprin
James F. Gennaro	Rosie Mendez	Jumaane D. Williams
		Ruben Wills

Excused: Council Member Halloran.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the Deputy City Clerk and Acting Clerk of the Council (Ms. Fuentes), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

*There were 50 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.*

**INVOCATION**

The Invocation was delivered by Rev. Chloe Breyer, The Interfaith Center of New York 475 Riverside Drive, New York, NY 10115.

Good afternoon.

Around the corner from where you are right now  
you can go and visit on the first floor of the United Nations  
a chapel dedicated to Dag Hammarskjold,

the second Secretary General of the United Nations.  
He was the son of the Swedish Prime Minister  
and a statesman in his own right.  
And in 1952 or 1953 he was elected to be  
the second Secretary General of the United Nations.  
Dag Hammarskjold died while serving as a peacemaker.  
In 1961 his plane crashed under mysterious circumstances  
on his way to negotiating a cease fire between  
the UN troops and Katonga forces  
in the then newly independent Congo.  
He had stood up to the Soviet Union  
who put pressure on him to resign.  
In this as in other efforts he exemplified  
a form of peace making that does not compromise with justice.  
Never for the sake of peace and quiet, he wrote,  
deny your own experience or convictions.  
So now as we open this session,  
Let us pray together for wisdom and strength  
remembering the words of Dag Hammarskjold.  
Have mercy upon us. Have mercy upon our efforts  
That we before you in love and faith,  
righteousness and humility may follow you  
with self-denial, steadfastness, and courage  
and meet you in the silence.  
Give us a poor heart  
that we may see you a humble heart,  
that we may hear you.  
A heart of love that we may serve you.  
A heart of faith that we may live you.  
You, whom I do not know but whose I am.  
You, whom I do not comprehend  
but who has dedicated me to my faith. You.  
In the name of God, most merciful. Amen.

Council Member Jackson moved to spread the Invocation in full upon the Record.

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

The Speaker (Council Member Quinn) offered thoughts and prayers to the City of Boston following the April 15, 2013 Marathon bombing especially to the families of the late Krystle Campbell, Lu Lingzi, Martin Richard, and MIT police officer Sean Collier. The Speaker (Council Member Quinn) also offered thoughts and prayers to those wounded and affected by this tragedy and conveyed expressions of solidarity to our neighbors and friends to the North.

The Speaker (Council Member Quinn) offered thoughts and prayers to the fourteen victims killed, including eleven first responders, and the nearly 200 injured by the April 17, 2013 industrial explosion at a fertilizer plant in West, Texas.


\* \* \*

During this segment of the Meeting, the Speaker (Council Member Quinn) recognized Lena Ignizio, young daughter of Council Member Ignizio, who was on the floor as part of Bring Your Child to Work Day.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1104

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Anger Car Service Corp., Council District 36, pursuant to Section 19-511(i), of the administrative code of the city of New York.



David Feeney, Commissioner  
Licensing and Standards  
32-02 Queens Boulevard  
Long Island City, NY 11101  
+1 212 227 6324 (t)  
+1 718 291 6786 (f)

April 19, 2013

The Honorable Speaker Christine C. Quinn  
Attention: Mr. Gary Altman  
Council of the City of New York  
250 Broadway, 15<sup>th</sup> Floor  
New York, New York 10007

Re: Taxi & Limousine Commission  
For-Hire Vehicle Base License Approvals

Dear Speaker Quinn:

Please be advised that on April 18, 2013 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

NEW (5):	LICENSE #	COUNCIL DISTRICT
Anger Car Service Corp.	B02589	36
Mexico La New Poblana Express Inc.	B02614	48
NYC Star Limousine & Car Services Corp. D/b/a NYS Car Services	B02613	37
Oasis Car & Limo Service Inc.	B02607	45
Velocity Limo Inc.	B02626	26
RENEWALS (27):	LICENSE #	COUNCIL DISTRICT
Ahsan Inc. D/b/a Marlboro Car Service	B00987	40
Bnei Joseph Car & Limo. Service Inc. D/b/a Bnei Joseph Car Service	B01039	44
B.O.B. Express Inc.	B01631	1

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Ultra Radio Dispatch Inc.	B01145	16
United Limo C/M Service Corp.	B01009	33
RENEWAL & OWNERSHIP CHANGE (3):	LICENSE #	COUNCIL DISTRICT
Brook Car & Limo. Service Inc.	B01313	19
Samia Car & Limo Service Inc.	B01918	43
Union Radio Dispatch Inc.	B01285	16
RENEWAL, OWNERSHIP CHANGE & NAME CHANGE (1):	LICENSE #	COUNCIL DISTRICT
Republica Car & Limo Service Corp	B01455	25
RELOCATION, OWNERSHIP CHANGE & NAME CHANGE (2):	LICENSE #	COUNCIL DISTRICT
A Door to Door Transportation Inc.	B02333	26
J & B Car & Limo. Service Inc.	B02488	47

The complete application packages compiled for the above bases are available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at langem@tlc.nyc.gov. Please find enclosed herein the original applications for the approved base stations.

Very truly yours,  
*Christopher Formey*  
Christopher Formey  
Director of Applicant Licensing  
Licensing & Standards Division  
Taxi & Limousine Commission

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www.nyc.gov/311  
Printed on paper containing 10% post-consumer material.

Referred to the Committee on Transportation.

M-1105

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Mexico La New Poblana Express Inc., Council District 48, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1106

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license NYC Star Limousine & Car Services Corp. D/b/a NYS Car Services, Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1107

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Oasis Car & Limo Service Inc., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Brunwish Enterprises, Ltd. D/b/a Eastland Car Service	B01509	45
Caprice C/S Corp.	B01265	26
Cibao Radio Dispatch	B01663	21
DMD Inc.	B00957	38
Eastern L.P.B. Inc. D/b/a Eastern Car Service	B00823	39
Easyride Car Service Inc.	B02021	45
Ecuador Corp.	B01215	22
Hankook Limo. Car Service Inc.	B02015	20
Kingsdale Dispatch Inc.	B02037	13
Limo 4 L.L.C. D/b/a Dial 4 Limo.	B01868	26
Murray Car Service Inc.	B02210	45
Nepel Car Service, Inc.	B00965	49
New Laconia Radio Dispatch Inc.	B01233	12
Northside Luxury Inc.	B01525	33
Pacific Car Service Inc.	B01175	33
Pamelene Transportation Corp. D/b/a Sea Breeze Car Service	B01021	48
PF Management Inc. D/b/a Blue Lane Car Service	B00991	32
Promenade Car Lease Inc.	B00859	33
Puerto Rico Car Service Inc.	B01273	36
RC Audubon Service Inc.	B01339	7
SLMK Inc. D/b/a AA PDQ Car & Limousine Service	B01177	49
St. George Express Car Service Inc.	B01453	49

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Referred to the Committee on Transportation.

M-1108

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Velocity Limo Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-1109

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ahsan Inc. D/b/a Marlboro Car Services, Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-1110

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Bnei Joseph Car & Limo. Service Inc. D/b/a Bnei Joseph Car Service, Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-1111

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license B.O.B Express Inc., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-1112

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Brunwish Enterprises, Ltd. D/b/a Eastland Car Service, Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-1113

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Caprice C/S Corp., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-1114

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Cibao Radio Dispatch, Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-1115

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license DMD Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-1116

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Eastern L.P.B. Inc. D/b/a Eastern Car Service, Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-1117

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Easyride Car Service Inc., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-1118

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ecuador Corp., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1119

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Hankook Limo. Car Service Inc., Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1120

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Kingsdale Dispatch Inc., Council District 11, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1121

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Limo 4 L.L.C. D/b/a Dial 4 Limo., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1122

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Murray Car Service Inc., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1123

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Nelpel Car Service, Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1124

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Laconia Radio Dispatch Inc., Council District 12, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1125

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Northside Luxury Inc., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1126

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Pacific Car Service Inc., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1127

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Pamelene Transportation Corp. D/b/a Sea Breeze Car Service, Council District 48, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1128

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license PF Management Inc. D/b/a Blue Lane Car Service, Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1129

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Promenade Car Lease Inc., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1130

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Puerto Rico car Service Inc., Council District 36, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1131

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license RC Audubon Service Inc., Council District 7, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1132

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license SLMK Inc. D/b/a AA PDQ Car & Limousine Service, Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1133

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license St. George Express Car Service Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1134

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ultra Radio Dispatch Inc., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1135

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license United Limo C/M Service Corp., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1136

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Brook Car & Limo. Service Inc., Council District 19, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1137

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Samia Car & Limo Service Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1138

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Union Radio Dispatch Inc., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1139

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license Republica Car & Limo Service Corp, Council District 25, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1140

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation, ownership, and name change base station license A Door to Door Transportation Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1141

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation, ownership, and name change base station license J & B Car & Limo. Service Inc., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1104 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

#### LAND USE CALL UPS

M-1142

By The Speaker (Council Member Quinn):

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 255 Fifth Avenue, Community Board No. 5, Application no. 20135404 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-1143

By Council Member Reyna:

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 623 Grand Street, Community Board No. 1, Application no. 20135399 TCK shall be subject to review by the Council.**

Coupled on Call – Up Vote

#### LAND USE CALL UP VOTE

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

**Affirmative** –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **50**.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

#### REPORTS OF THE STANDING COMMITTEES

##### Reports of the Committee on Consumer Affairs

Override Report for Int. No. 434-A

**Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the administrative code of the city of New York, in relation**

**to reducing the maximum fine amount for violations of vending regulations and defining unrelated violations of vending rules and regulations as separate offenses.**

The Committee on Consumer Affairs, to which the annexed was referred on November 30, 2010 (Minutes, page 4937) and originally adopted by the Council on February 27, 2013 (Minutes, page 299) before being vetoed by the Mayor on March 21, 2013, respectfully

#### REPORTS:

##### I. INTRODUCTION

On Thursday, April 18, 2013, the Committee on Consumer Affairs, chaired by Council Member Daniel R. Garodnick, will meet to vote on Introductory Bill Number 434-A (“Int. No. 434-A”), a Local Law to amend the administrative code of the city of New York, in relation to reducing the maximum fine amount for violation of vending regulations and defining unrelated violations of vending rules and regulations as separate offenses, and to file the veto message of Mayor Michael Bloomberg, M 1096.

The Committee held a hearing on the original introduction, Introductory Bill Number 434 (“Int. No. 434”), a Local Law to amend the administrative code of the city of New York, in relation to reducing the maximum fine amount for violations of vending regulations, on April 24, 2012. On February 26, 2013, the Committee passed a revised version of the bill, Proposed Introductory Bill Number 434-A (“Proposed Int. No. 434-A”), a Local Law to amend the administrative code of the city of New York, in relation to reducing the maximum fine amount for violations of vending regulations and defining unrelated violations of vending rules and regulations as separate offenses. The legislation was then passed by the Council on February 27, 2013 by a vote 44 in affirmative and three in the negative. On March 21, 2013, the Mayor issued a message of disapproval, vetoing the legislation. That veto message was formally accepted by the Council at its stated meeting held on April 9, 2013.

The question before the Committee is whether Int. No. 434-A should be repassed notwithstanding the objections of the Mayor.

##### II. BACKGROUND: VENDORS IN NEW YORK CITY

###### A. General Vendors

There are four types of authorized vendors in New York City – general vendors, food vendors, street artists and vendors of exclusively written material, and veteran vendors. General, food, and veteran vendors are subject to licensing requirements. Subchapter 27 of chapter two of title 20 of the New York City Administrative Code (“the Code”) sets forth licensing and operational requirements for general vendors throughout the City.<sup>1</sup> The Code defines a general vendor as any “person who hawks, peddles, sells, leases or offers to sell or lease, at retail, goods or services, including newspapers, periodicals, books, pamphlets or other similar written matter in a public space.”<sup>2</sup> Merchants who sell “only newspapers, periodicals, books, pamphlets or other similar written matter,” often referred to as “First Amendment vendors,” may vend without a license.<sup>3</sup> For all others, however, a license from the Department of Consumer Affairs (“DCA”) is required. The number of general vendor licenses was set at 853<sup>4</sup> in September of 1979 and has not increased since that time.<sup>5</sup>

General vendors must comply with specific operational requirements including wearing their licenses conspicuously whenever vending and permitting inspections by DCA or other City agencies.<sup>6</sup> The Code also restricts the placement of vendors’ vehicles, pushcarts, and stands, and prohibits vendors from selling in certain areas.<sup>7</sup> Licensed vendors who violate the requirements set forth in the Code may face fines of up to \$1,000.<sup>8</sup> They may also have their licenses suspended or revoked for certain fraudulent activity, or for committing four or more violations of vending laws pursuant to the Code in a two-year period.<sup>9</sup>

Unlicensed general vendors are subject to fines of up to \$1,000 and imprisonment, in addition to penalties for every day of unlicensed business activity.<sup>10</sup> Both licensed and unlicensed vendors may have their carts or goods seized for certain transgressions and face possible forfeiture of their possessions.<sup>11</sup> Authorized officers and employees of DCA and members of the New York City Police Department (“NYPD”) have the power to enforce the laws, rules, and regulations related to general vendors.<sup>12</sup>

Veteran vendors are subject to the same restrictions on the placement of

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<sup>1</sup> See N.Y.C. Admin. Code §§ 20-452 through 20-474.

<sup>2</sup> See NYC Admin Code § 20-452(b) (food vendors and newsstands are specifically exempt from the definition of “general vendor” and subsequent operational requirements); see also N.Y.C. Admin. Code § 17-306 (governs the licensing and regulation of food vendors); see also N.Y.C. Admin. Code § 20-229 (requires that newsstands be appropriately licensed).

<sup>3</sup> N.Y.C. Admin. Code § 20-453.

<sup>4</sup> This number does not include veteran vendors who received specialized general vendor licenses pursuant to State law.

<sup>5</sup> N.Y.C. Admin. Code § 20-459.

<sup>6</sup> N.Y.C. Admin. Code §§ 20-461(b), 20-463 and 20-464(a).

<sup>7</sup> N.Y.C. Admin. Code § 20-465.

<sup>8</sup> N.Y.C. Admin. Code § 20-467.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> N.Y.C. Admin. Code §§ 20-468 and 469.

<sup>12</sup> N.Y.C. Admin. Code § 20-468.

vehicles, pushcarts and stands as general vendors.<sup>13</sup> Nevertheless, sections 32 and 35-a of the New York State General Business Law regulate certain veteran vendors, and section 35-a gives disabled veteran vendors special vending rights that permit them to vend in many areas of the City that are off limits to other general vendors.<sup>14</sup>

#### B. Food Vendors

Food vending in the City is governed by Subchapter two of Chapter three of Title 17 of the Code.<sup>15</sup> The Code defines a food vendor as a “person who hawks, peddles, sells or offers food for sale at retail in any public space.”<sup>16</sup> All persons seeking to sell food in the City must first receive a license from the Department of Health and Mental Hygiene (“DOHMH”) for this purpose. In addition to obtaining a food vendor license, available to anyone who completes a food safety training program, a food vendor must also obtain a pushcart permit from DOHMH.<sup>17</sup> Although there is presently no limit on the number of food vendor licenses that may be issued, only 3,100 vehicle or pushcart permits are available at any time, not including the 1,000 additional fresh fruit and vegetable cart permits that became available following the passage of Local Law 9 of 2008.<sup>18</sup>

Like general vendors, licensed food vendors are required to comply with specific operational requirements including permitting inspections by DOHMH or other city agencies, providing the addresses and names of the owners of distributors from whom the licensee receives his or her food, and surrendering his or her license or permit to the commissioner upon revocation, suspension, termination, or expiration of his or her license or permit.<sup>19</sup> The Code also restricts the placement of vendors’ vehicles, pushcarts, and stands and prohibits vendors from selling in certain areas, not all of which correlate to the restrictions on the placement of general vending carts.<sup>20</sup>

Licensed food vendors who violate the requirements set forth in the Code may face fines of up to \$1,000, possible forfeiture of their possessions, and seizure of their carts or goods for certain transgressions.<sup>21</sup> They may also have their licenses suspended or revoked for certain fraudulent activity, or for three or more violations of the Code in a two-year period.<sup>22</sup> Unlicensed food vendors are subject to fines and may have their carts and goods seized.<sup>23</sup> Authorized officers and employees of DOHMH, and members of the NYPD, have the power to enforce the laws, rules, and regulations relating to food vendors.

#### III. CONTINUING CONFLICT

Frustrations over vending in New York City continue to exist on all sides of the issue. Vendors criticize excessive penalties for minor infractions and arbitrary enforcement of vendor regulations, and believe they are unfairly and disproportionately targeted by City government. For example, a 2011 study by the Urban Justice Center’s Street Vendor Project found that of the 949 summonses issued to fruit and vegetable vendors in Forsyth Street market and adjudicated by the Environmental Control Board (“ECB”), 63% were written for two arguably trivial offenses—50% for not keeping items in or under the cart, and 13% for failing to display a food vendor license.<sup>24</sup> Many vendors are the sole income earners in their families, bringing in a median income of about \$7,500.<sup>25</sup> For vendors on the lower end of the income spectrum, the fines associated with these summonses, which can reach \$1,000 per offense,<sup>26</sup> can be ruinous. Moreover, according to the Urban Justice Center, because all fines owed must be paid prior to license renewal, high fines cause those vendors to leave the industry.<sup>27</sup> It is therefore unsurprising that the vast majority of the fines issued to street vendors go unpaid. According to a 2010 report by the New York City Independent Budget Office, of the \$15.8 million in fines that were issued to vendors during 2008 and 2009, \$14.9 million was never collected.<sup>28</sup>

Some argue that for many vendors, fines are incurred as a direct result of the confusing regulations that govern vending in New York City. Vendors in the City are currently regulated by DOHMH, DCA, and the NYPD, as well as the Departments of Sanitation, Environmental Protection, Finance, and Parks and Recreation.<sup>29</sup> A study commissioned by the Street Vendor Project in 2006 discovered that only 26% of vendors believed that they had an adequate understanding of the City’s vending

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<sup>13</sup> N.Y. Gen. Bus. Law § 35-a(2).

<sup>14</sup> See N.Y. Gen. Bus. Law § 35-a.

<sup>15</sup> N.Y.C. Admin. Code §§ 17-306 through 17-325.1.

<sup>16</sup> N.Y.C. Admin. Code § 17-306.

<sup>17</sup> See N.Y.C. Admin. Code § 17-306 (f) (a pushcart is defined as any “wheeled vehicle or device used by a food vendor, other than a motor vehicle or trailer, which may be moved with or without the assistance of a motor and which does not require registration by the department of motor vehicles”).

<sup>18</sup> See N.Y.C. Admin. Code §§ 17-307(b)(2)(a) and 17-307(b)(3)(a).

<sup>19</sup> N.Y.C. Admin. Code § 17-314.

<sup>20</sup> N.Y.C. Admin. Code §§ 17-315 and 20-465(q).

<sup>21</sup> N.Y.C. Admin. Code § 17-325.

<sup>22</sup> N.Y.C. Admin. Code § 17-317(f).

<sup>23</sup> N.Y.C. Admin. Code §§ 17-321(c).

<sup>24</sup> Street Vendor Project of the Urban Justice Center, *Spoiled! How relentless enforcement and \$1,000 tickets are ruining Chinatown’s largest fruit and vegetable market*, 2011, at [http://www.urbanjustice.org/pdf/publications/svpforsyth\\_20july11.pdf](http://www.urbanjustice.org/pdf/publications/svpforsyth_20july11.pdf) (accessed April 16, 2012).

<sup>25</sup> Ruiz, A., “Fines Steal Vendors’ Dreams,” *Daily News*, October 12, 2006, at 4.

<sup>26</sup> N.Y.C. Admin. Code §§ 17-325 and 20-472.

<sup>27</sup> *Supra* note 30.

<sup>28</sup> N.Y.C. Indep. Budget Office, *Sidewalk Standoff: Street Vendor Regulations Costly, Confusing, and Leave Many Disgruntled*, November 2010, at <http://www.ibo.nyc.ny.us/iboreports/peddlingnovember2010.pdf>, (accessed April 16, 2012).

<sup>29</sup> Street Vendor Project of the Urban Justice Center, *Peddling Uphill: A report on the conditions of street vendors in New York City*, 2006.

laws.<sup>30</sup> According to the same report, there are over 20 different rules that dictate where vendors can conduct business, which differ depending on the wares being sold, the day of the week, and the time of day.<sup>31</sup> Confusion over vending regulations has resulted in unwelcomed attention from law enforcement and many vendors claim that police, in enforcing the regulations, unlawfully confiscate goods without returning them.<sup>32</sup>

Street vendors, however, are also the subject of complaints. For example, some hospitals are concerned about the safety issue posed by vending carts that obstruct the area surrounding hospital entrances, creating obstacles for emergency vehicles, patients entering the hospital from the street, and persons with limited physical mobility.<sup>33</sup> Additionally, in late 2011 a coalition of residents and businesspersons from the Columbus Circle area wrote letters to the City Council to raise the threat posed to public safety by food vendors operating in taxi stands, and to express support for legislation that would prohibit such activity.<sup>34</sup>

#### IV. APRIL 2012 VENDOR HEARING

On April 24, 2012, the Committee on Consumer Affairs held a hearing on an earlier version of Int. No. 434-A and Introductory Bill Number 435 (“Int. No. 435”), a Local Law to amend the administrative code of the city of New York, in relation to defining unrelated violations of vending rules and regulations as separate offenses.

The previous version of Int. No. 434-A (“Int. No. 434”) would have reduced the maximum fine for vending violations from \$1,000 to \$250. Int. No. 435 would have prevented escalation of penalties associated with violations that are issued to vendors for subsequent offenses unless those subsequent violations were issued for the same offense. The Administration testified in opposition to the bills.<sup>35</sup> Int. No. 434 and Int. No. 435 were strongly supported by the Urban Justice Center Street Vendor Project, MFY Legal Services, Legal Aid, the Manhattan Borough President and many members of the mobile food vending industry. Supporters of these bills testified that \$1,000 fines are excessively high for non-health related violations, such as failing to keep all items in a pushcart or to conspicuously display a license, and are disproportionate to the low business volume and average income of street vendors. They also argued that, since the average vendor earns \$14,000 annually and cannot afford to pay excessive fines, many vendors let their licenses expire and therefore have no incentive to pay fines or follow vending laws. The Street Vendor Project supported this claim with a working paper by the Department of Urban and Regional Planning at the University of Wisconsin-Madison/Extension on the collection of fines from street vendors in New York City, which drew a correlation between the percentage of fines paid and the fine amount. The report concluded that higher fines are paid with less frequency and that decreasing the penalty might increase payment to the City. Upon reflection and further discussion with interested parties after the hearing, Int. 434-A was amended to increase maximum fine to \$500 and incorporate the elements of Int. No. 435 relating to the escalation of penalties.

#### IV. INT. NO. 434-A

Int. No. 434-A would amend the Code to reduce the maximum fine for violating vending laws. Currently, after violating any of the City’s vendor laws three times within a two year period, food and general vendors are subject to fines of up to \$1000 for each additional violation committed within two years of the first violation. Int. No. 434-A would cap the maximum fine for all City vending violations at \$500.

Int. No. 434-A would also affect the escalation of penalties associated with violations that are issued to vendors for subsequent offenses. Currently, vendors are subject to increased fine levels for all subsequent offenses, whether or not the subsequent offense relates to the same regulation as the prior offense. Int. 434-A would prevent such increases unless the subsequent violation is issued for the same offense, within a two year period.

Pursuant to the Code, licensed vendors who violate the City’s vending laws are guilty of an offense punishable by a fine of (i) no less than \$25 and no more than \$50 for the first offense; (ii) no less than \$50 and no more than \$100 for any second offense within a two year period; (iii) no less than \$100 and no more than \$250 for any third offense within a two year period; (iv) no less than \$250 and no more than \$1,000 for any subsequent offense committed within two years of the first offense by a food vendor; and (v) no less than \$200 and no more than \$1,000 for any subsequent offense committed within two years of the first offense by a general vendor. Vendors are subject to identical civil penalties that escalate in the same manner.

According to the ECB penalty schedules, all vendors are issued a fine of (i) \$50 for the first violation; (ii) \$100 for the second violation; (iii) \$250 for the third violation; (iv) \$500 for the fourth violation or \$1,000 for a default on the fourth violation; (v) \$750 for the fifth violation or \$1,000 for a default on the fifth violation; and \$1,000 for the sixth and all subsequent violations.<sup>36</sup> Int. No. 434-A would amend the Code to; (i) ensure that the penalty levels cited above increase only if subsequent violations are issued for the same offense within a two year period; and (ii) change the maximum fine to \$500. Therefore, a vendor would be subject to higher penalty levels only if he or she repeats the same offense, and no penalty for one offense would cost more than \$500.

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<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> Letter from Kenneth David, M.D./President & CEO of Mount Sinai to N.Y.C. Council of March 5, 2012 and Letter from Lee Godman, M.D./Executive Vice President for Health and Biomedical Sciences at Columbia University to N.Y.C. Council of April 16, 2012.

<sup>34</sup> Letter from George Fontas to N.Y.C. Council of December 13, 2011.

<sup>35</sup> The Mayor’s Office of Special Enforcement stated that they would not oppose a law that would assign the same penalty level to all violations committed on the same day, which is the current practice of the Environmental Control Board in adjudicating vendor violations.

<sup>36</sup> See <http://www.nyc.gov/html/ecb/html/legal/fines.shtml> (accessed April 19, 2012).

Int. No. 434-A would also amend the administrative code to increase the maximum penalty for general vendors from no less than \$200 to no less than \$250. Int. No. 434-A would not amend the current penalties for vending without a license or permit, or for health code violations.

*Notwithstanding the objection of the Mayor, this Committee recommends the re-adoption of Int No. 434-A.*

**(The following is the text of Int. No. 434-A:)**

Int. No. 434-A

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Vann, Wills, Dilan, Koslowitz, Gennaro, Comrie, Nelson, Dromm, King, Ulrich, Halloran and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing the maximum fine amount for violations of vending regulations and defining unrelated violations of vending rules and regulations as separate offenses.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 17-325 of the administrative code of the city of New York is amended to read as follows:

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.

2. For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.

3. For a third violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

4. For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a fine of not [less] *more* than [two] *five* hundred [fifty] dollars [nor more than one thousand dollars].

§2. Paragraph two of subdivision c of section 17-325 of the administrative code of the city of New York is amended to read as follows:

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307 of this subchapter, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.

(b) For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.

(c) For the third violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

(d) For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not [less] *more* than [two] *five* hundred [fifty] dollars [nor more than one thousand dollars].

§3. Subdivision b of section 20-472 of the administrative code of the city of New York is hereby amended to read as follows:

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.

2. For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.

3. For a third violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars.

4. For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not [less] *more* than [two] *five* hundred [fifty] dollars [nor more than one thousand dollars].

§ 5. Paragraph two of subdivision c of section 20-472 of the administrative code of the city of New York is amended to read as follows:

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than section 20-453, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.

(b) For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.

(c) For the third violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars.

(d) For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not [less] *more* than [two] *five* hundred [fifty] dollars [nor more than one thousand dollars].

§ 6. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., G. OLIVER KOPPELL, JULISSA FERRERAS, KAREN KOSLOWITZ; Committee on Consumer Affairs, April 18, 2013.

Laid Over by the Council.

Report for M-1096

**Report of the Committee on Consumer Affairs in favor of filing a Communication from the Mayor regarding the Mayor's veto and disapproval message of Introductory Number 434-A, In relation to reducing the maximum fine amount for violations of vending regulations and defining unrelated violations of vending rules and regulations as separate offenses.**

The Committee on Consumer Affairs, to which the annexed communication was referred on April 9, 2013 (Minutes, page 941), respectfully

**REPORTS:**

**(For text of the report, please see the Override Report of the Committee on Consumer Affairs for Int No. 434-A printed in these Minutes)**

*Accordingly, this Committee recommends the filing of M-1096.*

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., G. OLIVER KOPPELL, JULISSA FERRERAS, KAREN KOSLOWITZ; Committee on Consumer Affairs, April 18, 2013.

Laid Over by the Council.

**Reports of the Committee on Land Use**

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Land Use and had been favorably reported for adoption.

Report for L.U. No. 819

**Report of the Committee on Land Use in favor of approving Application No. 20135519 RSY for resolution authorizing an amendment to a previously executed agreement between the Mayor and Council establishing a Special Process for City Council Review and Approval of the "Coney Island Amusement Park Project Plan," Borough of Brooklyn, Community Board 13, Council District 47.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 13**

**20135519 RSY**

Resolution authorizing an amendment to a previously executed agreement between the Mayor and the Council establishing a Special Process for City Council review and approval of the "Coney Island Amusement Park Project Plan."



**INTENT**

To authorize amendment to a previously executed agreement establishing a special process for Council Review and Approval of the Coney Island Amusement Park Project Plan.

**PUBLIC HEARING**

**DATE:** April 16, 2013

**Witnesses in Favor:** One  
None

**Witnesses**

**Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 16, 2013

The Subcommittee recommends that the Land Use Committee authorize the Speaker to execute the amended agreement.

**In Favor:** Weprin, Reyna, Jackson, Vann, Garodnick, Lappin, Ignizio

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** April 18, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Vann, Gonzalez, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Lander, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Member Comrie offered the following resolution:

Res. No. 1744

**Resolution authorizing an amendment to a previously executed agreement between the Mayor and Council establishing a Special Process for City Council Review and Approval of the “Coney Island Amusement Park Project Plan” (20135519 RSY; Preconsidered L.U. No. 819).**

By Council Member Comrie.

**WHEREAS**, on July 29, 2009, the Council adopted Res. No. 2132, L.U. No. 1136 (ULURP Application No. C 090272 ZMK); Res. No. 2133, L.U. No. 1137 (Application No. N 090273 (A) ZRK); Res. No. 2134, L.U. No. 1138 (ULURP Application No. C 090274 POK); Res. No. 2135, L.U. No. 1139 (ULURP Application No. C 090275 POK); Res. No. 2136, L.U. No. 1140 (ULURP Application No. C 090276 HAK); Res. No. 2137, L.U. No. 1141 (ULURP Application No. C 090277 PPK); and Res. No. 2138, L.U. No. 1142 (ULURP Application No. C 090107 MMK) which were filed with the Mayor on July 31, 2009;

**WHEREAS**, collectively, the actions approved by such resolutions facilitate the “Comprehensive Plan for Coney Island”;

**WHEREAS**, the Comprehensive Plan for Coney Island (the “Plan”) includes the acquisition of certain parkland and subsequent lease of such parkland to the New York City Economic Development Corporation for the operation of an amusement park, including without limitation amusement park features such as indoor and outdoor rides, arcades, attractions and ancillary uses, including small-scale retail use;

**WHEREAS**, it is in the interest of the city for the Council to participate in and play a major role in the selection of the proposed operator/developer for such amusement park;

**WHEREAS**, the Mayor and the Council agreed that such participation shall be accomplished through the Council’s approval of a “Coney Island Amusement Park Project Plan (CIAPPP)” in the manner set forth in a Coney Island Amusement Park Special Process Agreement (the “Special Process Agreement”) and Agreement for Coney Island Parallel Process (the “Parallel Process Agreement”, collectively the “Agreements”);

**WHEREAS**, on August 20, 2009, the Council adopted Resolution No. 2163, L.U. No. 1187 (Application No. 20105035 RSY), authorizing the Speaker to execute, on behalf of the Council, the Agreements;

**WHEREAS**, on April 11, 2013, the Office of the Mayor submitted to the Council a proposed amendment to the Special Process Agreement, a copy of which is attached hereto as Exhibit A (the “Amendment to the Special Process Agreement”);

**WHEREAS**, upon due notice, the Council held a public hearing on April 16, 2013 on the Amendment to the Special Process Agreement; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Plan and the Amendment to the Special Process Agreement;

**RESOLVED:**

The Council of The City of New York hereby authorizes the Speaker to execute the Amendment to the Special Process Agreement, a copy of which is attached hereto as Exhibit A.

**ATTACHMENT: Exhibit A**

**EXHIBIT A  
AMENDMENT TO  
AGREEMENT  
FOR  
SPECIAL PROCESS  
FOR  
NEW YORK CITY COUNCIL REVIEW AND APPROVAL  
OF  
CONEY ISLAND AMUSEMENT PARK PROJECT PLAN  
 (“SPECIAL PROCESS AGREEMENT”)**

AMENDMENT TO SPECIAL PROCESS AGREEMENT, which amendment is dated as of the \_\_\_ day of April, 2013, by and between the Mayor of the City of New York (the “Mayor”) and the Council of the City of New York (the “Council”).

**WHEREAS**, ULURP Application No. C090107MMK designated certain real property within Brooklyn Community Board 13 as parkland to be identified as such on the City map (such parkland the “Coney Island Amusement Park); and

**WHEREAS**, on November 5, 2009, EDC acquired the parcels of land identified as Block 8696, Lots 75, 166, 211 (including p/o Jones Walk), and p/o Lot 145, part of which land is situated within the Coney Island Amusement Park (such part, the “Seaside Parcel”), subject to a lease with Seaside Amusement Corp., which lease expires on December 31, 2020 (the “Seaside Lease”);

**WHEREAS**, ULURP Application No. C090107MMK was approved by the City Council on July 29, 2009 by Resolution No. 2138 which approval authorized disposition of certain City-owned properties including Block 7074, Lots 170 and 190 (the “Additional Parcels”), and for no portion of which has a parkland map been filed; and

**WHEREAS**, as contemplated by paragraph five of the Special Process Agreement, following the prescribed RFP process, EDC selected Central Amusement International, LLC (“CAI”) as the interim lessee of EDC-owned property (excluding the Seaside Parcel, the “CAI Parcels”) within the Special Coney Island District (NYC Zoning Resolution 131-00 et seq.); and

**WHEREAS**, EDC and CAI entered into an interim lease for the CAI Parcels for the purposes contemplated by Section 5(c) of the Special Process Agreement for a term of ten years as provided by Section 5(b) of the Special Process Agreement, expiring on December 31, 2020 (the “CAI Lease”) (the Seaside Lease and the CAI Lease are hereinafter referred to as the “Interim Leases”); and

**WHEREAS**, EDC and CAI wish to extend each of the Interim Leases for an additional seven years, such extended Interim Leases to expire not later than December 31, 2027; and

**WHEREAS**, the City, EDC and CAI further wish to add the Additional Parcels to the extended CAI Lease premises; and

**WHEREAS**, the parties desire to hereby amend the Special Process Agreement to both (i) permit EDC to extend the Interim Leases to not later than December 31, 2027 and (ii) add the Additional Parcels to the extended CAI Lease premises; and

**WHEREAS**, the parties understand that the Additional Parcels will be added to the extended CAI Lease premises by the City's leasing the Additional Parcels to New York City Land Development Corporation ("NYCLDC"), pursuant to Section 384b4 of the City Charter, for assignment of NYCLDC's interest as tenant under such lease to EDC, for inclusion of the Additional Parcels in the extended CAI Lease premises;

NOW, THEREFORE, the parties hereto agree as follows:

1. Paragraph 5(b) of the Special Process Agreement is hereby amended to change ten (10) years to seventeen (17) years, and therefore that the expiration date of each of the Interim Leases shall be not later than December 31, 2027.
2. The Additional Parcels shall be added to the extended CAI Lease premises.
3. The Special Process Agreement shall remain in full force and effect, and is hereby reaffirmed in its entirety, as modified by this Agreement.
4. This Agreement shall become effective upon the execution hereof by (i) the Mayor; and (ii) the Speaker of the Council upon the adoption by the Council of a resolution approving this Agreement.

**IN WITNESS WHEREOF**, the Mayor and the Speaker have hereunto executed this Agreement the date and year first above written.

\_\_\_\_\_  
Mayor of the City of New York

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Speaker of the New York City Council

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, April 18, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 782

**Report of the Committee on Land Use in favor of approving Application no. 20135421 HAM submitted by the New York City Department of Housing Preservation and Development for a tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 291 East 4th Street (Block 387, Lot 41), 189 East 2nd Street (Block 397, Lot 26) and 203 Avenue A (Block 440, Lot 34), Borough of Manhattan, Community District 3, Council District 2.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 13, 2013 (Minutes, page 752), respectfully

#### REPORTS:

##### SUBJECT

**MANHATTAN CB - 03                      20135421 HAM**

Application submitted by the New York City Department of Housing Preservation and Development for a tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 291 East 4th Street (Block 387, Lot 41), 189 East 2nd Street (Block 397, Lot 26) and 203 Avenue A (Block 440, Lot 34), Community District 3, Council District 2.

##### INTENT

To approve a Section 577 Private Housing Finance Law tax exemption for three multiple dwellings for low-income families.

##### PUBLIC HEARING

**DATE:** April 16, 2013

**Witnesses in Favor:** Two

**Witnesses Against:** None

##### SUBCOMMITTEE RECOMMENDATION

**DATE:** April 16, 2013

**The Subcommittee recommends that the Land Use Committee approve the tax exemption for the Exemption Area.**

**In Favor:** Levin, Barron, Gonzalez, Dickens, Koo

**Against:** None

**Abstain:** None

##### COMMITTEE ACTION

**DATE:** April 18, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Jackson, Vann, Gonzalez, Palma, Arroyo, Garodnick, Lappin, Mendez, Koo, Lander, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1745

**Resolution approving a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Exemption Area located at 291 East 4th Street (Block 387, Lot 41), 189 East 2nd Street (Block 397, Lot 26), and 203 Avenue A (Block 440, Lot 34), Borough of Manhattan (L.U. No. 782; 20135421 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 6, 2013 its request dated February 22, 2013 that the Council take the following actions regarding a tax exemption for real property located at 291 East 4th Street (Block 387, Lot 41), 189 East 2nd Street (Block 397, Lot 26), and 203 Avenue A (Block 440, Lot 34), Community District 3, Borough of Manhattan (the "Exemption Area"):

Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on April 16, 2013; and

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Exemption Area;

##### **RESOLVED:**

The Council approves the Tax Exemption as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) "Effective Date" shall mean June 29, 2006, which was the date the HDFC acquired the Exemption Area and entered into a Regulatory Agreement with HPD.
  - b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 387, Lot 41; Block 397, Lot 26; and Block 440, Lot 34, on the Tax Map of the City of New York.
  - d) "Expiration Date" shall mean May 28, 2008, which was the day prior to the effective date of the tax exemption currently benefiting the Exemption Area pursuant to Section 420-c of the Real Property Tax Law of the State of New York.
  - e) "HDFC" shall mean Permanence Houses Housing Development Fund Company Inc.
  - f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.



(e) “HDFC” shall mean West 145<sup>th</sup> Harlem Housing Development Fund Corporation.

(f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

(g) “Owner” shall mean the HDFC or any future owner of the Exemption Area.

(h) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary, the Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (vi) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
4. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
5. In consideration of the Exemption, the Owner of the Exemption Area, (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, April 18, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

### Report of the Committee on Technology

Report for Int. No. 984-A

**Report of the Committee on Technology in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring the department of information technology and telecommunications to create and maintain an interactive crime mapping website.**

The Committee on Technology, to which the annexed amended proposed local law was referred on December 18, 2012 (Minutes, page 4727), respectfully

### REPORTS:

#### 1. INTRODUCTION

On Wednesday April 24, the Committee on Technology, chaired by Council Member Fernando Cabrera, will vote on Proposed Int. No. 984-A. This bill would require the Department of Information Technology and Telecommunications to create and maintain an interactive crime mapping website.

#### 2. BACKGROUND

Crime mapping is a tool that allows the public to receive information about recent crime activity in their neighborhood. The use of crime mapping as a tool for policing has a long history,<sup>1</sup> and it has been adopted a growing number of

communities since recent technological innovations have made mapping dramatically easier.

As early as 1849, Joseph Fletcher created maps that showed the rate of male incarceration for serious property and violent crimes across counties in England and Wales, and in 1861, Henry Mayhew presented a number of maps displaying the English and Welsh county rates for a variety of crimes.<sup>2</sup>

Before the advent of desktop computers, crime mapping was extremely labor intensive and, as a result, few police departments could afford to produce computerized crime maps until such computers became widely available in the mid-1980s to early 1990s and microprocessor speed increased.<sup>3</sup> Since that time, numerous police departments, including the New York City Police Department (NYPD), have used crime mapping to map, visualize, and analyze crime incident patterns. The NYPD uses an organizational management tool known as CompStat, short for “computer statistics,” which, among other things, employs geographic information systems to map crimes by location and type.<sup>4</sup> CompStat was developed in 1994 as a way to track crime statistics on a regular basis and use the statistics to manage resource assignment. CompStat also enables the NYPD to evaluate its own performance as the statistics reveal increases and decreases in various types of crime. Key CompStat data are made public on the NYPD’s website.<sup>5</sup> Publicly-available CompStat data tracks the occurrence of seven major felonies – murder, rape, robbery, felony assault, burglary, grand larceny, and grand larceny auto – in the city. It also provides an historical perspective of crime over a span of several years.<sup>6</sup>

Recently, a number of U.S. cities have made such crime mapping websites available to the public. For example, Oakland, California maintains a crime mapping website that allows users to request crime data by proximity to an address or known location, such as a school.<sup>7</sup> Users are able to produce maps and/or reports from this information. Similarly, Baltimore, Maryland maintains a crime mapping website that allows the public to query the Baltimore Police Department database of reported crime.<sup>8</sup> Users are able to search by address, neighborhood, school, and police precinct. Other cities, such as Sacramento, California;<sup>9</sup> Kirkland, Washington;<sup>10</sup> Los Angeles, California;<sup>11</sup> Albany, New York;<sup>12</sup> Savannah, Georgia;<sup>13</sup> Kansas City, Missouri;<sup>14</sup> and Minneapolis, Minnesota<sup>15</sup> maintain similar crime mapping websites.

### 3. PROPOSED INT. NO. 984-A

Proposed Int. No. 984-A would amend the New York City Charter, in relation to requiring the Department of Information Technology and Telecommunications (DoITT) to create and maintain an interactive crime mapping website.

Section one of this bill first amends subdivision p by removing an “and” at the end of the subdivision and adding an “and” at the end of subdivision q.

Section one of this bill then adds a new subsection r. This subsection requires DoITT to provide an interactive crime map on the City’s website to the public at no charge displaying the aggregate monthly, yearly and year-to-date totals for the current and most recent calendar years for each class of crime that is reported to the New York City Police Department (NYPD), or for which an arrest was made, including crimes that occurred in parks and subway stations.

Subsection r further requires that the crime map be searchable by address, zip code, and patrol precinct.

Subsection r further requires that all of the information required pursuant to this subsection be available as soon as practicable, but in no case more than one month after a crime complaint has been filed.

Subdivision r further requires that the Mayor shall ensure that all agencies provide DoITT with such assistance and information as DoITT requires to compile and update the map.

Section 2 of this bill provides that it shall take effect one hundred and eighty days after its enactment.

### 4. CHANGES TO PROPOSED INT. NO. 984-A

The changes made to Proposed Int. No. 984-A were primarily cosmetic and included the following changes to subdivision r:

- A more complete definition what constitutes a “street” on the interactive crime map.
- Clarifying that the map will display the aggregate monthly, yearly, and year-to-date totals for the current and most recent calendar year each class of crime that is reported to the New York City Police Department.
- Clarifying that the map will be searchable by address, zip code, and patrol precinct.

<sup>1</sup> See Sharon Chamard, “The History of Crime Mapping and Its Use by American Police Departments,” *Alaska Justice Forum* 1 (Fall 2006).

<sup>2</sup> See *id.*

<sup>3</sup> See *id.*

<sup>4</sup> The most recent crime data released by NYPD using CompStat is available at [http://www.nyc.gov/html/nypd/downloads/pdf/crime\\_statistics/cscity.pdf](http://www.nyc.gov/html/nypd/downloads/pdf/crime_statistics/cscity.pdf).

<sup>5</sup> CompStat data for the city are available at [http://www.nyc.gov/html/nypd/html/crime\\_prevention/crime\\_statistics.shtml](http://www.nyc.gov/html/nypd/html/crime_prevention/crime_statistics.shtml).

<sup>6</sup> This information is available at [http://www.nyc.gov/html/nypd/html/analysis\\_and\\_planning/historical\\_nyc\\_crime\\_data.shtml](http://www.nyc.gov/html/nypd/html/analysis_and_planning/historical_nyc_crime_data.shtml).

<sup>7</sup> This website is available at <http://gismaps.oaklandnet.com/crimewatch>.

<sup>8</sup> This website is available at <http://www.baltimorepolice.org/your-community/crime-map>.

<sup>9</sup> This website is available at <http://www.sacpd.org/crime/mapping>.

<sup>10</sup> This website is available at [http://www.kirklandwa.gov/depart/PD/Community\\_Crime\\_Mapping.htm](http://www.kirklandwa.gov/depart/PD/Community_Crime_Mapping.htm).

<sup>11</sup> This website is available at [http://www.lapdonline.org/crime\\_mapping\\_and\\_compstat](http://www.lapdonline.org/crime_mapping_and_compstat).

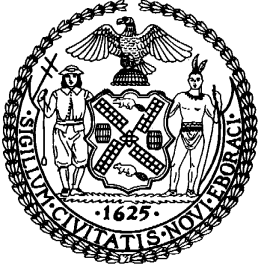
<sup>12</sup> This website is available at <http://albanyny.gov/Government/Departments/Police/cmapping.aspx>.

<sup>13</sup> This website is available at <http://www.savannahga.gov/index.aspx?NID=632>.

<sup>14</sup> This website is available at <http://www.kcmo.org/police/Crime/CrimeMapping/index.htm>.

<sup>15</sup> This website is available at [http://www.ci.minneapolis.mn.us/police/statistics/crime-statistics\\_codefor\\_index](http://www.ci.minneapolis.mn.us/police/statistics/crime-statistics_codefor_index).

(The following is the text of the Fiscal Impact Statement for Int. No. 984-A:)



THE COUNCIL OF THE CITY OF  
NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY  
DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 984-A  
COMMITTEE:  
Technology

**TITLE:** A Local Law to amend the New York City charter, in relation to requiring the Department of Information Technology and Telecommunications (DoITT) to create and maintain an interactive crime mapping website.

**SPONSOR(S):** By Council Members Cabrera, Arroyo, Brewer, Comrie, Ferreras, Gentile, Jackson, James, Palma, Reyna, Williams, Wills, Rodriguez, Vallone and Ulrich

**SUMMARY OF LEGISLATION:** This legislation would require DoITT to provide an interactive crime map on the City’s website to the public at no charge displaying the total number of crime complaints that have been filed with the New York City Police Department (NYPD) on a monthly basis, searchable by address, zip code, or NYPD patrol precinct.

The bill further requires that the crime map display the aggregate total of the classes of crimes reported, on a street-by-street basis, and will include crimes that have been reported to have occurred in parks and subway stations. All required information should be available as soon as practicable, but in no case more than one month after a crime complaint has been filed.

**EFFECTIVE DATE:** This local law would take effect one hundred and eighty days after its enactment into law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** N/A

**FISCAL IMPACT STATEMENT:**

	Effective FY 14	FY Succeeding Effective FY 15	Full Fiscal Impact FY 14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$75,000	\$0	\$0
Net	\$75,000	\$0	\$0

**IMPACT ON REVENUES:** There would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** In order to enact this legislation, DoITT would hire a technology consultant for approximately 4 months to build the website which would incur expenses of \$75,000. Once built, DoITT would be able to maintain the website using existing resources.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Finance Division,  
DoITT

**ESTIMATE PREPARED BY:** John Russell, Principal Financial Legislative Analyst

**ESTIMATE REVIEWED BY:** Latonia McKinney, Deputy Director and Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on

December 18, 2012 as Intro. 984 and referred to the Committee on Technology On February 13, 2013, Int. 984 was re-referred to the Committee on Technology. The Committee on Technology held a hearing on Intro. 984 on March 13, 2013 and the legislation was laid over. An amended version of the legislation, Proposed Intro. 984-A, will be considered by the Committee on April 24, 2013, and upon successful vote of the Committee, Proposed Intro. 984-A will be submitted to the Full Council for a vote.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 984-A:)

Int. No. 984-A

By Council Members Cabrera, Arroyo, Brewer, Comrie, Ferreras, Gentile, Jackson, James, Palma, Reyna, Williams, Wills, Rodriguez, Vallone, Jr., Van Bramer, Dickens, Koppell, Lappin, Gennaro, Greenfield, Lander, Mark-Viverito, Mealy and Ulrich.

**A Local Law to amend the New York city charter, in relation to requiring the department of information technology and telecommunications to create and maintain an interactive crime mapping website.**

Be it enacted by the Council as follows:

Section 1. Section 1072 of the New York city charter is amended by amending subdivisions p and q and by adding a new subdivision r to read as follows:

p. to perform such other responsibilities with respect to information technology and telecommunications matters, including responsibilities delegated elsewhere by the charter, as the mayor shall direct; [and]

q. to provide to the public at no charge on the city’s website an interactive map, updated as often as practicable and necessary but not less than once per week, displaying the following:

1. Permitted and approved street closures that do not allow for the passage of vehicular traffic on that street, including but not limited to closures for special events, crane operations and other construction work, film shoots and paving operations; and [2. Parking regulations.]

2. *Parking regulations.* The information related to paragraph (1) of this subdivision shall be searchable and sortable by time, date and borough, except that street closures for crane operations, construction work and paving operations shall have the notation “subject to closure” during times where closure has been permitted and approved but where such closure may or may not occur on a particular day. All information required by this subdivision shall be available on the city’s website as soon as practicable but in no case less than one week prior to any such closure or change, except closures which were applied for or planned less than one week prior to any such closure or change, which shall be available on such interactive map within seventy-two hours of the permit and approval of such closure. Where a permitted and approved street closure is due to a special event, the sponsor of the event with appropriate contact information shall be provided as part of such interactive map. For the purposes of this subdivision, special event shall mean any street fair, block party or festival on a public street(s) where such activity may interfere with or obstruct the normal use by vehicular traffic of such street(s)[.]; and

r. to provide to the public, at no charge on the city’s website, an interactive crime map that, for each segment of a street bounded by one or more intersections and/or a terminus, shall visually display the aggregate monthly, yearly and year-to-date totals for the current and the most recent prior calendar years for each class of crime that is reported to the New York city police department, or for which an arrest was made, including crimes that occurred in parks and subway stations. Such map shall be searchable by address, zip code, and patrol precinct. All information required by this subdivision shall be available on the city’s website as soon as practicable but in no case more than one month after a crime complaint has been filed. The mayor shall ensure that all agencies provide the department with such assistance and information as the department requires to compile and update the interactive crime map.

§ 2. This local law shall take effect one hundred eighty days after its enactment.

FERNANDO CABRERA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, LETITIA JAMES, MARK S. WEPRIN; Committee on Technology, April 24, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Reports of the Committee on Transportation**

Report for Int. No. 1026-A

**Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the enforcement of motor scooter provisions.**

The Committee on Transportation, to which the annexed amended proposed local law was referred on April 9, 2013 (Minutes, page 1050), respectfully

**REPORTS:**

**INTRODUCTION**

On April 24, 2013, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 1026-A, a Local Law to amend the Administrative Code of the City of New York, in relation to the enforcement of motor scooter provisions, and Proposed Int. No. 1030-A, a Local Law to amend the Administrative Code of the City of New York, in relation to the prohibition of motor scooter use by businesses. This will be the second hearing on these bills; the first hearing was held on April 10, 2013. Representatives from New York City Police Department and Department of Transportation testified at that hearing, as well as, other interested parties. Amendments were made to the bills following that hearing.

**BACKGROUND**

The Department of Transportation (“DOT”) is responsible for the condition of approximately 6,000 miles of streets, highways and 787 bridges structures, including six tunnels.<sup>1</sup>

On October 11, 2012, the Committee on Transportation held a hearing on the prevalence of commercial bicyclists and their regulation. The October 2012 hearing was held to address the increasing concern that commercial cyclists pose danger to pedestrians.<sup>2</sup> Following that hearing, the Council adopted the following legislation: Local Law 52 of 2012 requires that operators of bicycles used for commercial purposes wear retro-reflective apparel; Local Law 54 of 2012 requires that operators of commercial bicycles complete a bicycle safety course; Local Law 55 of 2012 gives the Department of Transportation the authority to enforce provisions dealing with commercial bicycles; and Local Law 56 of 2012 requires that businesses employing commercial bicycle operators maintain a roster of bicycle operators and issue each operator a three identification number. The bills being considered today enhance the ability of the Police Department and the Department of Transportation to enforce motor scooter regulations, which include both electric bicycles and dirt bikes that have been proliferating in some parts of the City.<sup>3</sup>

An electric bicycle (“e-bike”) looks like a regular bicycle but has an attached motor that allows it to accelerate up to 20 miles per hour.<sup>4</sup> E-bikes have become ubiquitous among restaurant and commercial bicyclists,<sup>5</sup> largely because e-bikes allow deliverymen to increase their business by delivering food to more people in a larger geographic area.<sup>6</sup> The prevalence of e-bikes has raised concerns that they are unsafe because they travel too fast and therefore increase the danger to pedestrians.<sup>7</sup>

E-bikes and other motorized scooters are illegal under New York State law because they cannot be registered as a motor vehicle.<sup>8</sup> In addition, New York City law establishes a civil penalty for operating a motorized scooter, unless it is incapable of travelling more than 15 miles per hour. This exemption, however, makes it difficult for police officers or other enforcement agents to enforce the law because it is hard for an officer to determine whether a motorized scooter is capable of exceeding 15 miles per hour. Proposed Int. No. 1026-A would eliminate this exemption and allow police officers or other enforcement agents to issue violations to all e-bikes and other motorized scooters, regardless of how fast they are capable of travelling. In addition Proposed Int. No. 1026-A gives the commissioner of the department that has impounded an e-bike or other motorized scooter the right to impound and hold the vehicle until all fines and civil penalties are paid.

Proposed Int. No. 1030-A would make it illegal for a business to possess an e-bike or other motor scooter on the business premises. Currently police officers can only issue a violation when they see a motor scooter being operated. Under the proposed legislation, the business would be penalized if an e-bike or other motor scooter is observed to be on the business premises. In addition, Proposed Int. No. 1030-A would allow a police officer to not only penalize operators of e-bikes or other motor scooters, but also make businesses liable for penalties to employees who operate such a vehicle. As a result, the proposed legislation enhances enforcement against e-bikes and other motor scooters by making it clear that any use or possession of such a vehicle by a business will result in a penalty.

**ANALYSIS**

**Proposed Int. No. 1026-A**

Proposed Int. No. 1026-A would give make it illegal to use any motor scooter, regardless of its speed capability. This bill would also allow the agency that impounded the vehicle to hold the vehicle until such time as all fines and civil penalties owed to that agency are paid.

Section one of Proposed Int. No. 1026-A would amend section 19-176.2 by amending subdivisions a and d. Subdivision a of section 19-176.2 would eliminate the exemption for motor scooters not capable of exceeding 15 miles per hour from what is currently illegal under City law. Subdivision d would give the Commissioner of the department that has impounded a motor scooter the right to hold the scooter until all fines and civil penalties are paid to the department that impounded it.

Section two of Proposed Int. No. 1026-A states that the local law would take effect one hundred and eighty days following enactment.

**Proposed Int. No. 1030-A**

Proposed Int. No. 1030-A would prohibit the possession of motor scooters by businesses.

Section one of Proposed Int. No. 1030-A would amend section 10-157 by adding a new subdivision k. New subdivision k of section 10-157 would make it illegal for businesses that use bicycles for commercial bicycles to possess an e-bike or other motor scooter. It would also proscribe such businesses from permitting employees to use them. The proposed bill would also make businesses liable for penalties incurred by their employees while operating such e-bike or other motor scooter.

Section two of Proposed Int. No. 1030-A states that the local law would take effect one hundred and eighty days following enactment.

<sup>1</sup> Mayor’s Management Report, Preliminary Fiscal 2013, February 2013, page 127.

<sup>2</sup> Transportation Committee Report, October 1, 2012, can be accessed at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=983293&GUID=D3A0A556-BE20-4BC2-B279-0335B3620D81&Options=Advanced&Search=>; see also <http://www.nytimes.com/2012/07/14/nyregion/new-york-going-after-unsafe-delivery-cyclists.html>

<sup>3</sup> Concerned Citizens Seek Help as Brazen Dirt Bikers Terrorize NYC Street, CBS New York, August 13, 2012. Accessed at <http://newyork.cbslocal.com/2012/08/13/concerned-citizens-seek-help-as-brazen-dirt-bikers-terrorize-nyc-streets/> on April 9, 2013.

<sup>4</sup> Adam Martin, Hell on Wheels: Can Electric Bikes Ever Go Legal, New York Magazine, February 28, 2013. Accessed at <http://nymag.com/daily/intelligencer/2013/02/hell-on-wheels-can-e-bikes-ever-go-legal.html> on April 8, 2013.

<sup>5</sup> George Kral, A Crackdown on Electric Bicycles Coming from Two Directions. THIRTEEN, July 20, 2012. Accessed at <http://www.thirteen.org/metrofocus/2012/07/a-crackdown-on-electric-bicycles-coming-from-two-directions> on April 8, 2013.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Sections 125 and 401 of the New York State Vehicle and Traffic Law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1026-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO: 1026-A  
COMMITTEE: Transportation

**TITLE:** A Local Law to amend the administrative code of the City of New York, in relation to the enforcement of motor scooter provisions. **SPONSOR(S):** By Council Members Garodnick, Chin, Comrie, Gennaro, Gentile, Gonzalez, James, Koo, Mark-Viverito and Nelson

**SUMMARY OF LEGISLATION:** The proposed legislation would amend Subdivisions a and d of section 19-176.2 of the administrative code of the city of New York, as added by local law number 51 for the year 2004, to provide that any motorized scooter defined as “any wheeled device that has handlebars that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is not capable of being registered with the New York State Department of Motor Vehicles ...[but] shall not include wheelchairs or other mobility aids designed for use by disabled persons” that has been used or is being used in violation of the provisions of section 19-176.2 may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines and civil penalties have been paid or a bond has been posted in an amount satisfactory to the Commissioner of the agency that impounded such vehicle (currently the Police Department and the Department of Parks and Recreation have enforcement authority.)

**EFFECTIVE DATE:** This local law will take effect one hundred eighty days following its enactment, except that the Commissioners of the Police Department and the Department of Parks and Recreation shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2015

**FISCAL IMPACT STATEMENT:**

	Effective FY 14	FY Succeeding Effective FY 15	Full Fiscal Impact FY 15
Revenues (+)	(See Below)	(See Below)	(See Below)
Expenditures (-)	\$0	\$0	\$0
Net	(See Below)	(See Below)	(See Below)

**IMPACT ON REVENUES:** Because the primary purpose of this proposed legislation is to remove motorized scooters from City streets in the interest of public safety, it is anticipated that the impact of this legislation on revenue would be minimal. The stipulated fines and penalties are meant to ensure compliance, not generate revenue.

**IMPACT ON EXPENDITURES:** This legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

SOURCE OF INFORMATION: Mayor's Office of Legislative Affairs, New York City Finance Division

ESTIMATE PREPARED BY: Chima Obichere, Unit Head

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director and Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on April 9, 2013 as Int. 1026 and referred to the Committee on Transportation. On April 10, 2013, the Committee held a hearing on this legislation and the bill was laid over. An amended version of the legislation, Proposed Intro. 1026-A, will be considered by the Committee on April 24, 2013 and upon successful vote, the bill would be submitted to the full Council for a vote.

JAMES VACCA, Chairperson; GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, April 24, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 1030-A

**Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the prohibition of motor scooter use by businesses.**

The Committee on Transportation, to which the annexed amended proposed local law was referred on April 9, 2013 (Minutes, page 1057), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Transportation for Int No. 1026-A printed above in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 1030-A:)

Int. 1026-A

Page 2

(For text of the Fiscal Impact Statement for Int No. 1030-A and the bill itself, please see the Report of the Committee on Transportation for Int No. 1030-A printed in these Minutes; for text of Int No. 1026-A, please see immediately below:)

Accordingly, this Committee recommends the adoption of Int No. 1026-A and Int No. 1030-A.

(The following is the text of Int. No. 1026-A:)

Int. No. 1026-A

By Council Members Garodnick, Chin, Comrie, Gennaro, Gentile, Gonzalez, James, Koo, Mark-Viverito, Nelson, Van Bramer, Rodriguez, Mealy, Greenfield, Jackson and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the enforcement of motor scooter provisions.**

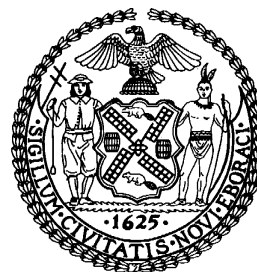
Be it enacted by the Council as follows:

Section 1. Subdivisions a and d of section 19-176.2 of the administrative code of the city of New York, as added by local law number 51 for the year 2004, are amended to read as follows:

a. For purposes of this section, the term "motorized scooter" shall mean any wheeled device that has handlebars that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is not capable of being registered with the New York State Department of Motor Vehicles. For the purposes of this section, the term motorized scooter shall not include wheelchairs or other mobility aids designed for use by disabled persons[, electric powered devices not capable of exceeding fifteen miles per hour or "electric personal assistive mobility devices" defined as self-balancing, two non-tandem wheeled devices designed to transport one person by means of an electric propulsion system].

d. Any motorized scooter that has been used or is being used in violation of the provisions of this section may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines and civil penalties have been paid or a bond has been posted in an amount satisfactory to the [police] commissioner of the agency that impounded such vehicle.

§ 2. This local law shall take effect one hundred eighty days after it shall have become law, except that the commissioners of the police department and the department of parks and recreation shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect.



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1030-A  
COMMITTEE:  
Transportation

**TITLE:** A Local Law to amend the administrative code of the City of New York, in relation to the prohibition of motor scooter use by businesses.  
**SPONSOR(S):** By Council Members Lappin, Chin and Ulrich

**SUMMARY OF LEGISLATION:** The proposed legislation would amend section 10-157 of the administrative code of the city of New York by adding a new subdivision k to require that a business using a bicycle for commercial purposes not possess any motorized scooter and not permit any employee of such business to operate such a motorized scooter on behalf of such business.

The bill further provides that a business using a bicycle for commercial purposes shall be liable for any violation of section 19-176.2(b) of the administrative code committed by an employee of such business while such employee is operating a motorized scooter on behalf of such business.

**EFFECTIVE DATE:** This local law will take effect one hundred eighty days following its enactment, except that the Commissioners of the Department of Transportation and the Police Department shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2015**

**FISCAL IMPACT STATEMENT:**

	Effective FY 14	FY Succeeding Effective FY 15	Full Fiscal Impact FY 15
Revenues (+)	(See Below)	(See Below)	(See Below)
Expenditures (-)	\$0	\$0	\$0
Net	(See Below)	(See Below)	(See Below)

**IMPACT ON REVENUE:** Because the primary purpose of this proposed legislation is to remove motorized scooters from City streets in the interest of public safety, it is anticipated that the impact of this legislation on revenue would be minimal. The stipulated fines and penalties are meant to ensure compliance, not generate revenue.

**IMPACT ON EXPENDITURES:** This legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** Mayor’s Office of Legislative Affairs, New York City Finance Division

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director and Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on April 9, 2013 as Int. 1030 and referred to the Committee on Transportation. On April 10, 2013, the Committee held a hearing on this legislation and the bill was laid over. An amended version of the legislation, Proposed Intro. 1030-A, will be considered by the Committee on April 24, 2013 and upon successful vote, the bill would be submitted to the full Council for a vote.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1030-A:)**

Int. No. 1030-A

By Council Members Lappin, Chin, Van Bramer, Rodriguez, Mealy, Gennaro, Jackson and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the prohibition of motor scooter use by businesses.**

*Be it enacted by the Council as follows:*

Section 1. Section 10-157 of the administrative code of the city of New York is amended to add a new subdivision k to read as follows:

*k. A business using a bicycle for commercial purposes shall not possess any motorized scooter and shall not permit any employee of such business to operate such a motorized scooter on behalf of such business. A business using a bicycle for commercial purposes shall be liable for any violation of section 19-176.2(b) of this code committed by an employee of such business while such employee is operating a motorized scooter on behalf of such business. For purposes of this section, “motorized scooter” shall be as defined in section 19-176.2 of this code.*

§ 2. This local law shall take effect one hundred eighty days after it shall have become law, except that the commissioners of the department of transportation and the police department shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect.

JAMES VACCA, Chairperson; GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, April 24, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**GENERAL ORDER CALENDAR**

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

**Resolved,** that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

*Approved New Applicant’s Report*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Michelle Johnson	177 West 151 <sup>st</sup> Street #1B New York, N.Y. 10039	9

Bianca Williams	3844 Bailey Avenue #GC Bronx, N.Y. 10463	11
Iesha Turner	4120 Hutchinson River Parkway Bronx, N.Y. 10475	12
Mohammed Atavr R. Chowdhury	32-40 95 <sup>th</sup> Street East Elmhurst, N.Y. 11369	21
Wolfgang Lubo	33-47 13 <sup>th</sup> Street Long Island City, N.Y. 11106	22
Ruby Kirk-Yates	89-19 171 <sup>st</sup> Street #6W Jamaica, N.Y. 11432	27
Renee Wright	109-65 202 <sup>nd</sup> Street Queens, N.Y. 11412	27
Annmarie Gibbons	8000 Shore Front Parkway #80 Queens, N.Y. 11693	32
Lavon Burch	966 Hegeman Avenue #2 Brooklyn, N.Y. 11208	42
Vanessa Smith	1454 East 88 <sup>th</sup> Street Brooklyn, N.Y. 11236	46
Mark Stephenson	1156 East 86 <sup>th</sup> Street Brooklyn, N.Y. 11236	46
Marissa Gangichiodo	2701 Ocean Avenue #6J Brooklyn, N.Y. 11229	48
Vivian SiFontes	2538 East 12 <sup>th</sup> Street Brooklyn, N.Y. 11235	48
Rebecca Ho	60 Heinz Avenue Staten Island, N.Y. 10308	51

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Taina Garcia	50 Avenue D #3E New York, N.Y. 10009	2
Polly Schonfeld	63 Avenue A #19H New York, N.Y. 10009	2
Louiselle Romero	1646 First Avenue #12E New York, N.Y. 10028	5
John A. Devlin	205 West 95 <sup>th</sup> Street New York, N.Y. 10025	6
Daniel DiRocco	339 West 85 <sup>th</sup> Street New York, N.Y. 10024	6
Gloria Quinones	217 West 62 <sup>nd</sup> Street New York, N.Y. 10023	6
Barbara A. Marshall	524 West 151 <sup>st</sup> Street #9 New York, N.Y. 10031	7
Floree Roberson	626 Riverside Drive #22A New York, N.Y. 10031	7
Florinda Laford	101 West 109 <sup>th</sup> Street #4J New York, N.Y. 10025	8
Linda Fay McCoy	410 St. Nicholas Avenue # 23J New York, N.Y. 10027	9
Noemi Aviles	97 Arden Street #3L New York, N.Y. 10040	10
Sheila M. McPherson-Grierson	3318 Eastchester Road Bronx, N.Y. 10469	12
Dada A. Starks	120 Debs Place #23F Bronx, N.Y. 10475	12
Eduardo Alayon	2081 Cruger Avenue #1F Bronx, N.Y. 10462	13
Gaitree James-Shakoor	2524 Tiemann Avenue Bronx, N.Y. 10469	13
Jacie Depaulis	2230 Andrews Avenue Bronx, N.Y. 10453	14
Destiny Torres	1749 Grand Concourse #13C Bronx, N.Y. 10453	14
Edwina Marie Townes	785 East 181 <sup>st</sup> Street #21 Bronx, N.Y. 10460	15
Barbara Clement	790 Concourse Village West 46H Bronx, N.Y. 10451	16
Lucia Tiburcio	1244 Ogden Avenue Bronx, N.Y. 10452	16
Ruth Rojas-Duarte	827 Fox Street #2A Bronx, N.Y. 10459	17



Christine Sykes	1131 Longfellow Avenue Bronx, N.Y. 10459	17
Joyce West	96-15 Jackson Mill Road East Elmhurst, N.Y. 11369	21
Demetrius Gamble	98-38 57 <sup>th</sup> Avenue #12M Queens, N.Y. 11368	25
Marie Camel LaFontant	98-15 Horace Harding Expressway #2N Queens, N.Y. 11368	25
Noemi Ortiz	61-35 98 <sup>th</sup> Street #5G Rego Park, N.Y. 11374	25
Lisa M. Rivers	99-10 60 <sup>th</sup> Avenue #2J Corona, N.Y. 11368	25
Tracy N. Dash	179-59 Anderson Road Jamaica, N.Y. 11434	27
Erlene Juanita Lynch	109-49 167 <sup>th</sup> Street Queens, N.Y. 11433	27
Teresa Martin	104-26 199 <sup>th</sup> Street Queens, N.Y. 11412	27
Hayda Gonzalez	121-06 109 <sup>th</sup> Avenue #C2 South Ozone Park, N.Y. 11420	28
Deirdre Ivy	172-22 133 <sup>rd</sup> Avenue #8A Queens, N.Y. 11434	28
Susan Laino	87-87 109 <sup>th</sup> Street Richmond Hill, N.Y. 11418	28
Maria-Cynthia Wong	114-36 125 <sup>th</sup> Street South Ozone Park, N.Y. 11420	28
Kanwalpreet Singh	66-01 Burns Street Forest Hills, N.Y. 11374	29
Walter E. Clayton Jr.	68-60 76 <sup>th</sup> Street Queens N.Y. 11379	30
Marilyn Soto	84-26 88 <sup>th</sup> Street #2 Queens, N.Y. 11421	30
Phyllis Connors	144-33 231 <sup>st</sup> Street Rosedale, N.Y. 11413	31
Avis Dennis-Cox	146-41 Guy R. Brewer Blvd Queens, N.Y. 11434	31
Yvonne T. Imasuen	139-07 231 <sup>st</sup> Street Queens, N.Y. 11413	31
Marie Souffrant-Santiago	241-21 128 <sup>th</sup> Drive Queens, N.Y. 11422	31
Vincent V. Abate	321 Manhattan Avenue Brooklyn, N.Y. 11221	34
Lynette Aguayo	5 Ten Eyck Street #2 Brooklyn, N.Y. 11206	34
Hameed A. Hawana	91 Boerum Street #14Q Brooklyn, N.Y. 11206	34
Erik C. Lopez	410 South 4 <sup>th</sup> Street Brooklyn, N.Y. 11211	34
Doris V. Ortiz	361 Grandview Avenue #1 Ridgewood, N.Y. 11385	34
Robert Taylor Jr.	57-34 Catalpa Avenue Ridgewood, N.Y. 11385	34
Maria E. Vega	30 Montrose Avenue #8S Brooklyn, N.Y. 11206	34
Denise Benson	901 Washington Avenue #5F Brooklyn, N.Y. 11225	35
Clark J. Simmons	115 Ashland Place #2D Brooklyn, N.Y. 11201	35
LaSalle S. Miller	22 Halsey Street #3A Brooklyn, N.Y. 11216	36
Richard Monroe	1219 Dean Street Brooklyn, N.Y. 11216	36
Jherima Garrett	1839 Prospect Place #3 Brooklyn, N.Y. 11223	41
Carolyn Matthew	249 Hopkins Avenue #2K Brooklyn, N.Y. 11233	41
Andrew Toney	213 Herzl Street Brooklyn, N.Y. 11212	41
Goldia A. Marshall	586 Egan Street Brooklyn, N.Y. 11239	42
Irma Mojica	525 Crescent Street Brooklyn, N.Y. 11208	42

Lucille Carletta	8215 11 <sup>th</sup> Avenue Brooklyn, N.Y. 11228	43
Sara DiStefano	1263 65 <sup>th</sup> Street Brooklyn, N.Y. 11219	43
Edith M. Gugliemelli	1336 85 <sup>th</sup> Street Brooklyn, N.Y. 11228	43
Julia Gartvich	7000 Bay Parkway #60 Brooklyn, N.Y. 11204	44
Georgia T. Jackson	3017 Newkirk Avenue Brooklyn, N.Y. 11226	45
Suzan N. Pack	1556 Schenectady Avenue Brooklyn, N.Y. 11234	45
Octavia Charles	5420 Avenue M Brooklyn, N.Y. 11234	46
Stuart M. Feuerstein	1247 East 66 <sup>th</sup> Street Brooklyn, N.Y. 11234	46
Stephen Moran	3712 Shore Parkway Brooklyn, N.Y. 11325	46
Sofiya Oksenkrug	2547 West 2 <sup>nd</sup> Street Brooklyn, N.Y. 11223	47
Lisa Caranci	2066 Homecrest Avenue Brooklyn, N.Y. 11229	48
Mary Ann Marando	2292 East 24 <sup>th</sup> Street Brooklyn, N.Y. 11229	48
Larisa Prizimenter	1925 Quinten Road #3D Brooklyn, N.Y. 11229	48
Dolores A. Bannon	1100 Clove Road #6k Staten Island, N.Y. 10301	49
Anna Jernigan	830 Van Duzer Street Staten Island, N.Y. 11304	49
Marvin Rosen	501 Jewett Avenue Staten Island, N.Y. 10302	49
Barbara Rogers Ward	70 New Lane # 2GG Staten Island, N.Y. 10305	49
James P. Molinaro	85 Lyman Avenue Staten Island, N.Y. 10305	50
Laurie Warren-Guido	87 Cloister Place Staten Island, N.Y. 10306	50
Danielle Panza	65 Fraser Street Staten Island, N.Y. 10314	51

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**ROLL CALL ON GENERAL ORDERS FOR THE DAY  
(Items Coupled on General Order Calendar)**

- (1) **Int 984-A –** In relation to requiring the department of information technology and telecommunications to create and maintain an interactive crime mapping website.
- (2) **Int 1026-A -** In relation to the enforcement of motor scooter provisions.
- (3) **Int 1030-A -** In relation to the prohibition of motor scooter use by businesses.
- (4) **L.U. 782 & Res 1745 -** App. **20135421 HAM**, 291 East 4th Street (Block 387, Lot 41), 189 East 2nd Street (Block 397, Lot 26) and 203 Avenue A (Block 440, Lot 34), Borough of Manhattan, Community District 3, Council District 2.
- (5) **L.U. 800 & Res 1746 -** App. **20135449 HAM**, 151-53 West 145th Street (Block 2014, Lot 11), 155-57 West 145th Street (Block 2014, Lot 10), 2468-70 Seventh Avenue (Block 2029, Lot 33), Community District 10, Council Districts 7 and 9.
- (6) **L.U. 819 & Res 1744 -** App. **20135519 RSY**, amendment establishing a Special Process for City Council Review and Approval of the “Coney Island Amusement Park

Project Plan,” Borough of Brooklyn, Community Board 13, Council District 47.

(7) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **50**.

**The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 1026-A:**

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **49**.

**Negative** – Barron - **1**.

The following was the vote recorded for **Int No. 1030-A:**

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **48**.

**Negative** – Barron – **1**.

**Abstention** – Vallone, Jr – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 984-A, 1026-A, and 1030-A.*

**For Introduction and Reading of Bills, see the material following the Resolutions section below:**

## RESOLUTIONS

*Presented for voice-vote*

**The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:**

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Health and had been favorably reported for adoption.

Report for voice-vote Res. No. 1738

**Report of the Committee on Health in favor of approving a Resolution calling on the State University of New York and the New York State Department of Health to work with stakeholders to pursue the acquisition of Long Island College Hospital (LICH) by another health care institution to preserve critical health care services for the community, and to ensure that all resources gained from any sale or transfer of LICH assets are used exclusively for the preservation of these services; and authorizing the Speaker to file or join amicus briefs on behalf of the Council in support of the preservation of such services.**

The Committee on Health, to which the annexed resolution was referred on April 25, 2013, respectfully

## REPORTS:

### I. Introduction

On April 24, 2013, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing and vote on Preconsidered Resolution No. \_\_\_\_, calling on the State University of New York (SUNY) and the New York State Department of Health (DOH) to work with stakeholders to pursue the acquisition of Long Island College Hospital (LICH) by another health care institution to preserve critical health care services for the community, and to ensure that all resources gained from any sale or transfer of LICH assets are used exclusively for the preservation of these services. The resolution also authorizes the Speaker to file or join amicus briefs on behalf of the Council in support of the preservation of such services

### II. Background

SUNY Downstate Medical Center (SUNY Downstate) is a key component of New York City’s health care delivery system, providing services to communities with largely uninsured or underinsured minority populations.<sup>1</sup> The medical center comprises three hospital locations: University Hospital of Brooklyn (University Hospital) located in East Flatbush, Brooklyn; University Hospital at Long Island College Hospital (LICH) located in Cobble Hill, Brooklyn; and SUNY Downstate at Bay Ridge (Bay Ridge).<sup>2</sup> As the only academic medical center in Brooklyn, SUNY Downstate employs about 8,000 faculty and staff members,<sup>3</sup> educates over 1,700 students<sup>4</sup> and serves a population of more than 2 million New Yorkers.<sup>5</sup> It is the fourth largest employer in Brooklyn.<sup>6</sup>

LICH was acquired by SUNY on May 29, 2011 and became an additional location and operating unit of University Hospital. For more than 150 years, LICH has been a critical part of the Brooklyn healthcare system, including the Red Hook area, a neighborhood specifically designated as a “Health Professional Shortage Area” by the U.S. Department of Health and Human Services.<sup>7</sup> LICH provides medical care for over 100,000 patients a year and employs more than 2,000 people.<sup>8</sup>

Once part of Continuum Health Partners, LICH had operating losses for 17 consecutive years before it was acquired and more than half of its beds, excluding those for newborns, were empty in 2010.<sup>9</sup> The acquisition by SUNY was a deal brokered by then-Governor David Paterson with the support of doctors, nurses, and local elected officials.<sup>10</sup> Shortly after the transfer, the Brooklyn Health Systems Redesign Work Group stated in its report that the grim financial position of LICH could be turned around with the support of SUNY Downstate Medical Center.<sup>11</sup>

By 2012, it became clear that SUNY Downstate was plagued by financial troubles and a new leadership team was put in place at Downstate to address the institution’s broad financial problems.<sup>12</sup> On April 9, 2012, the New York State Comptroller’s office issued an audit report that concluded that Downstate had poor procurement practices that led to fraudulent and uneconomical vendor selection, inefficient implementation of a multimillion dollar software system, and conflicts of interests between an employee and a vendor, all of which likely contributed to financial distress at University Hospital.<sup>13</sup> In June 2012, SUNY’s Board of Trustees approved a \$75 million line of credit to University Hospital to help ensure it meets its obligations and to support its restructuring efforts.<sup>14</sup>

In January 2013, the New York State Comptroller issued another report demonstrating the dire situation at SUNY Downstate.<sup>15</sup> According to the report, University Hospital will not likely have sufficient cash to cover all expenses beyond July 2013 at the latest.<sup>16</sup> The report stated that the costs associated with the acquisition and operation of LICH was one of the primary reasons for the hospital’s financial stress.<sup>17</sup>

On February 7, 2013, the SUNY Board of Trustees voted to close LICH and on February 20, 2013, the President of SUNY Downstate Medical Center, John F. Williams, M.D., submitted a plan to the New York State Department of Health (“DOH”) to close LICH. On March 14, a Brooklyn Judge ruled the vote did not comply with the state’s Open Meetings Law when it did not provide ample notice of the meeting to discuss the closing of LICH.<sup>18</sup> Another meeting was scheduled for March 19, where the board, again, voted to close LICH.<sup>19</sup> On April 1, 2013, a state supreme court judge in Brooklyn issued a temporary restraining order barring DOH from acting on SUNY Downstate’s request to close, saying SUNY Downstate violated a section of state education law, because its council failed to do a meaningful review of the closure plan before the SUNY’s Board of Trustees voted on it.<sup>20</sup> Another hearing is scheduled for May 2, 2013.<sup>21</sup>

SUNY Chancellor Nancy Zimpher warned earlier this year that Downstate was losing \$8 million a month and needed a taxpayer infusion of up to \$150 million to survive the coming year.<sup>22</sup> However, the New York State Budget for fiscal year 2014 did not include additional funding for Downstate and Governor Cuomo stated the institution needed to create a plan before for the State would contribute funding.<sup>23</sup>

According to Part Q of Chapter 56 of the Laws of New York, signed on March 28, 2013, the Chancellor of SUNY is required to submit a sustainability plan for SUNY Downstate facilities on or before June 1, 2013, which must be approved by the DOH Commissioner and the New York State Director of the Division of Budget (“DOB”) for implementation by June 15, 2013. This law also states, “In the development of the sustainability plan, the chancellor shall consult with labor representatives, community representatives, and other regional stakeholders.”

### III. Preconsidered Res. No. 1738

The preconsidered resolution states that LICH has been a critical part of the Brooklyn healthcare system for more than 150 years and provides medical care for over 100,000 patients a year and employs more than 2,000 people. The resolution notes that closing LICH would negatively impact the delivery of health care in Brooklyn, especially for residents of the communities surrounding the hospital, including Red Hook, a neighborhood specifically designated as a “Health Professional Shortage Area” by the U.S. Department of Health and Human Services.<sup>24</sup>

The resolution describes the financial difficulties of LICH and the State requirement that SUNY create a sustainability plan for SUNY Downstate, in consultation with stakeholders, which must be approved by the DOH Commissioner and the Director of DOB.

The resolution states that SUNY and DOH should ensure that any resources from the sale or transfer of LICH real estate or any other LICH assets should be used exclusively for the continuation of critical health care services for the community, rather than for the budget of another institution. The resolution also states that SUNY and DOH should explore all options to preserve critical health care services for the community, including the acquisition of the LICH campus by another health care institution.

The resolution calls on the SUNY and DOH to work with stakeholders to pursue the acquisition of LICH by another health care institution to preserve critical health care services for the community, and to ensure that all resources gained from any sale or transfer of LICH assets are used exclusively for the preservation of these services. It also authorizes the Speaker to file or join amicus briefs on behalf of the Council in support of the preservation of such services.

<sup>1</sup> NYC Office of the State Comptroller Thomas P. DiNapoli, *Financial Condition and Outlook State University of New York: Downstate Medical Center University Hospital of Brooklyn*, Report 2012-S-72, Jan. 2013, <http://www.osc.state.ny.us/audits/allaudits/093013/12s72.pdf>.

<sup>2</sup> *Id.*; <http://www.downstate.edu>.

<sup>3</sup> Anemona Hartocoliis, *Audit, Citing Mismanagement, Finds SUNY Downstate in Dire Fiscal Straits*, New York Times, Jan. 17, 2013, <http://www.nytimes.com/2013/01/18/nyregion/audit-finds-suny-downstate-in-dire-fiscal-straits.html>.

<sup>4</sup> SUNY Downstate Medical Center, *Facts at a Glance*, [http://www.downstate.edu/sunyintro/suny\\_facts.html](http://www.downstate.edu/sunyintro/suny_facts.html).

<sup>5</sup> Hartocoliis, *supra*, note 3.

<sup>6</sup> SUNY Downstate Medical Center, *Facts at a Glance*, [http://www.downstate.edu/sunyintro/suny\\_facts.html](http://www.downstate.edu/sunyintro/suny_facts.html).

<sup>7</sup> For more information on Health Professional Shortage Areas, see: <http://hpsafind.hrsa.gov/HPSASearch.aspx>.

<sup>8</sup> 1199SEIU United Healthcare Workers East, *Members and Community Rally To Save Long Island College Hospital*, Jan. 30, 2013,

[http://www.1199seiu.org/1199ers\\_community\\_rally\\_to\\_save\\_long\\_island\\_college\\_hospital](http://www.1199seiu.org/1199ers_community_rally_to_save_long_island_college_hospital).

<sup>9</sup> Hartocoliis, *supra*, note 3.

<sup>10</sup> *Id.*

<sup>11</sup> Brooklyn Health Systems Redesign Work Group, *At the Brink of Transformation: Restructuring the Healthcare Delivery System in Brooklyn*, Nov. 28, 2011, [http://www.health.ny.gov/health\\_care/medicaid/redesign/docs/brooklyn\\_mrt\\_final\\_report](http://www.health.ny.gov/health_care/medicaid/redesign/docs/brooklyn_mrt_final_report).

<sup>12</sup> NYC Office of the State Comptroller Thomas P. DiNapoli, *Financial Condition and Outlook State University of New York: Downstate Medical Center University Hospital of Brooklyn*, Report 2012-S-72, Jan. 2013, <http://www.osc.state.ny.us/audits/allaudits/093013/12s72.pdf>.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Nikhita Venugopal, *SUNY Schedules Court-Ordered Public Meeting on LICH Closure in Westchester*, DNAINfo, Mar. 15, 2013,

<http://www.dnainfo.com/new-york/20130315/cobble-hill/suny-schedules-court-ordered-public-meeting-on-lich-closure-westchester>.

<sup>19</sup> *Id.*

<sup>20</sup> Mary Frost, *Another reprieve for Brooklyn's LICH; Judge issues temporary restraining order*, Brooklyn Daily Eagle, Apr. 1, 2013, <http://www.brooklyneagle.com/articles/breaking-another-reprieve-brooklyns-lich-judge-issues-temporary-restraining-order-2013-04>.

<sup>21</sup> Charisma L. Miller, *The LICH Legal Battle Continues*, Brooklyn Daily Eagle, Apr. 3, 2013, <http://www.brooklyneagle.com/articles/lich-legal-battle-continues-2013-04-03-152000>.

<sup>22</sup> Glenn Blain, *State Budget Leaves Troubled Suny Downstate Hospital Still Looking For Help*, Daily Politics, Mar. 24, 2013, <http://www.nydailynews.com/blogs/dailypolitics/2013/03/state-budget-leaves-troubled-suny-downstate-hospital-still-looking-for-help>.

<sup>23</sup> *Id.*

<sup>24</sup> For more information on Health Professional Shortage Areas, see: <http://hpsafind.hrsa.gov/HPSASearch.aspx>.

Accordingly, this Committee recommends its adoption.

**(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)**

MARIA del CARMEN ARROYO, Chairperson; HELEN D. FOSTER, PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, April 24, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Public Housing and had been favorably reported for adoption.

Report for voice-vote Res. No. 1743

**Report of the Committee on Public Safety in favor of approving a Resolution recognizing June as Gun Violence Awareness Month in New York City.**

The Committee on Public Safety, to which the annexed resolution was referred on April 25, 2013, respectfully

#### REPORTS:

The recent spate of mass shootings, and most particularly the horrific tragedy that took place at Sandy Hook Elementary School in Newtown, Connecticut, sparked nationwide conversations about the need for gun control measures and other necessary actions to curb gun violence. The problem of gun violence, however, is not limited to large scale and highly publicized incidents. Instead, gun violence tears apart families and communities on a daily basis throughout all American cities, including New York City.

For example, In New York City in 2012 there were nearly 1,375 shooting incidents, where a person was injured either fatally or non-fatally and 57% of all murders in 2012 were attributed to gun violence. To make matters more troublesome, the gun violence epidemic disproportionately impacts certain communities within the city. For instance, approximately half of all shooting incidents in 2012 occurred in only 10 of the City's 76 police precincts. Additionally, 64 percent of the murder victims in New York City in 2012 were African American. It is clear, then, that nationwide conversations through which local, state, and federal officials work together to find solutions to the gun violence plague must be continued. As President Obama said after the horrific attacks on Sandy Hook Elementary School, “If there is even one step we can take to save another child, or another parent, or another town, from the grief [that gun violence causes]...then surely we have an obligation to try.”<sup>1</sup>

With this in mind, New York State Senator Ruth Hassell-Thompson and New York State Assembly Member Karim Camara introduced resolutions in the State legislature that declare the month of June as Gun Violence Awareness Month. The decision to recognize June as Gun Violence Awareness Month is timely because statistics show that gun violence and the resulting injuries and deaths typically increase substantially in the summer months. In 2011, for example, there was an almost 120% increase in shooting incidents when comparing the first quarter of that year to the third quarter of that year, which encompasses the months of July and August.

The resolution introduced by Assembly Member Camara has since passed the New York State Assembly and Senator Hassell-Thompson's resolution is being considered by the State Senate. At the same time, officials in Buffalo, Rochester, Yonkers, Syracuse, Albany, Westchester County, and Ulster County introduced similar resolutions or proclamations to show their support for this awareness campaign. The Council recognizes that there is no one simple solution to the gun violence epidemic, but believes that in order to adequately address the problem all New Yorkers must be properly educated and informed. With the proper awareness, we can guarantee that our loved-ones, friends, and neighbors are no longer the victims of gun violence, nor use guns to harm themselves and others.

For these reasons, this Preconsidered Resolution recognizes June as Gun Violence Awareness Month. Such recognition by local and state officials will increase efforts to protect all New Yorkers, especially those who are disproportionately affected by such violence, by furthering the dialogue with our local, state and federal partners. This dialogue will help the continued efforts to examine the causes of gun violence and to create meaningful solutions.

<sup>1</sup>See Remarks by the President at Sandy Hook Interfaith Prayer Vigil, December 16, 2012, available at: <http://www.whitehouse.gov/the-press-office/2012/12/16/remarks-president-sandy-hook-interfaith-prayer-vigil>

Accordingly, this Committee recommends its adoption.

**(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)**

PETER F. VALLONE, Jr. Chairperson; HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J. GENTILE, DANIEL R. GARODNICK, DAVID G. GREENFIELD, ERIC A. ULRICH; Committee on Public Safety, April 24, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 1036

By Council Members Cabrera, Lappin, Brewer, Chin, Comrie, Dickens, Eugene, Fidler, Jackson, James, Koo, Koppell, Lander, Mendez, Richards, Rose, Vann, Williams, Mark-Viverito and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the reporting of environmental data regarding schools.**

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new title 21-A to read as follows:

**Title 21-A. Education**

**Chapter 1. Definitions**

**Chapter 2. Reporting**

*Chapter 1. Definitions.*

§21-950 Definitions. Whenever used in this title, the following terms shall have the following meanings:

- a. "Chancellor" shall mean the chancellor of the New York city department of education
- b. "Department" shall mean the New York city department of education.
- c. "Student" shall mean any pupil under the age of twenty-one.

*Chapter 2. Reporting.*

§21-951 Environmental data reporting. a. For the purposes of this section:

1. "Contaminant" shall mean any element, substance, compound or mixture that after release into the environment upon exposure, ingestion, inhalation, or assimilation into any organism will or may reasonably be anticipated to cause illness, death or deformation in any organism; "contaminant" shall also include any physical, chemical, biological, or radiological substance or matter in water.

2. "Department" shall mean the New York city department of education.

3. "Environmental inspection" shall mean any inspection conducted in or adjacent to any public school by or at the request of the department or the New York city school construction authority, including any such report conducted pursuant to a consent order or agreement with the United States environment protection agency, the United States department of labor, the New York state department of environmental conservation, the New York state department of health or the New York state department of labor, to determine the quality of the air, soil, or water, including, but not limited to, any visual or sampling test conducted to assess the presence of mold, pollutants, contaminants and hazardous substances.

4. "Environmental site assessment" shall mean a report concerning any public school prepared by or at the request of the department or the New York city school construction authority, including any such report conducted pursuant to a consent order or agreement with the United States environment protection agency, the United States department of labor, the New York state department of environmental conservation, the New York state department of health or the New York state department of labor, which identifies existing or potential environmental contamination including, but not limited to, sampling data.

5. "Hazardous substances" shall mean substances severely harmful to human health and the environment, as set forth in part 300 of title 40 of the code of federal regulations or any successor regulations.

6. "Maximum contaminant level" shall mean the maximum permissible level of a contaminant in water which is delivered to any user of a public water system, as set forth in part 141 of title 40 of the code of federal regulations or any successor regulations.

7. "Pollutant" shall mean any substance the emissions of which cause or contribute to air pollution which may be reasonably anticipated to endanger public health or welfare, as set forth in part 50 of title 40 of the code of federal regulations or any successor regulations.

8. "Public school" shall mean any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade twelve.

b. The department shall notify parents of students and employees of any public school that has been the subject of any type of environmental inspection or environmental site assessment, including, but not limited to, any testing or inspection for hazardous substances, contaminants or pollutants, such notification shall include the results of any such inspection or testing. Such notification shall occur within seven days of receiving such results; provided that if such results are received during a scheduled school vacation period exceeding five days such notification shall occur no later than seven days following the end of such period. Such notification shall also include, but not be limited to, notification via United States postal mail.

c. Not later than the first day of November of the year 2013, and on a biannual basis thereafter, the chancellor of the city school district shall submit to the council a report regarding the results of any environmental inspection or environmental site assessment of any public school. The report shall include, but not be limited to:

1. A summary of the test results of any environmental inspection or environmental site assessment conducted, including, but not limited to, the inspection and sampling of groundwater, ambient air, gas, soil, soil gas, and dust, including, but not limited to, newly leased, renewed lease sites, and purchased school sites.

2. Information regarding any action, if any, taken by the department to mitigate the effects of such air, water, or ground hazards including, but not limited to, hazardous substances, water which exceeds maximum contaminant levels, mold, pollutants and other contaminants, the timeframe within which such action was taken, the timeframe within which parents of students and employees were notified of such action, and information regarding whether or not such air, water, or ground hazard was resolved as a result of such action.

3. Information regarding the overall progress of the department's efforts to improve air quality in public schools including any indoor air quality testing related to school renovations, including, but not limited to, asbestos, mold, and the replacement of ceilings.

4. All information required by this subdivision shall be aggregated citywide, as well as disaggregated by community school district, council district and borough.

d. The department shall post and update regularly, a link to any environmental inspection or environmental site assessment on the department's website within seven days of receiving such inspection or environmental site assessment information pertaining to any prospective leased school sites shall be posted at least 30 days prior to entering into any such lease agreement.

§ 2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Education.

Res. No. 1733

**Resolution calling on the New York State Legislature to pass and the Governor to enact a law that would grant the City of New York the authority to levy a school impact tax on developers of new or converted non-senior housing on a per-unit basis, to be administered by the New York City Department of Buildings at the time of filing for a certificate of occupancy for such housing, for the purpose of providing funding for the construction of new public K-12 schools, and that such tax be specifically designated for the construction of such schools.**

By Council Members Chin, James, King, Koo, Lander, Mendez, Rose and Williams.

**Whereas**, In many parts of New York City, including lower Manhattan, there have been a large number of new residential units constructed in the past ten years through conversion of existing buildings and construction of new buildings; and

**Whereas**, Most of these buildings are "as of right" construction or do not otherwise have to comply with City Environmental Quality Review, resulting in no consideration of the impact of these new units on community resources such as public education; and

**Whereas**, As a result of these new residential units, construction of new public K-12 schools has not kept pace with the number of new students, resulting in a school overcrowding crisis in many parts of the city, including lower Manhattan; and

**Whereas**, New York City public schools are funded in part by local tax revenues, including property taxes and non-property tax revenues; and

**Whereas**, Pursuant to Article IX, Section 2(c)(8) of the New York State Constitution, the New York State Legislature must expressly delegate taxation authority to municipalities; and

**Whereas**, A certificate of occupancy certifies a building's compliance with applicable building codes <[http://en.wikipedia.org/wiki/Building\\_code](http://en.wikipedia.org/wiki/Building_code)> and indicates that the building is completed and in a condition suitable for occupancy, and thus a tax on the number of units in the building would be appropriate to impose at the time of filing for such a certificate; and

**Whereas**, Such tax revenues should be required by state law to be dedicated to the construction of new schools; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to enact a law that would grant the City of New York the authority to levy a school impact tax on developers of new or converted non-senior housing on a per-unit basis, to be administered by the New York City Department of Buildings at the time of filing for a certificate of occupancy for such housing, for the purpose of providing funding for the construction of new public K-12 schools, and that such tax be specifically designated for the construction of such schools.

Referred to the Committee on Housing and Buildings.

Res. No. 1734

**Resolution calling on the United States Congress to pass and the President to sign into law the Puppy Uniform Protection and Safety Act (S.395/H.R.847), which would require commercial breeders who sell their puppies directly to the public, including via the Internet, to be licensed and inspected by the United States Department of Agriculture and mandate that commercial breeding facilities provide dogs with daily exercise.**

By Council Members Crowley, Brewer, Chin, Comrie, Dromm, Gentile, James, Koppell, Lander, Mendez, Rose, Williams and Wills.

**Whereas**, Currently only breeders who sell dogs to pet stores or to puppy brokers are subject to federal oversight; and

**Whereas**, United States Senator Richard Durbin and Congressman Jim Gerlach have introduced the Puppy Uniform Protection and Safety Act (S.395/H.R.847), which would amend the Animal Welfare Act to require commercial breeders who sell their puppies directly to the public via any means of conveyance, including the Internet, to be licensed and inspected by the United States Department of Agriculture; and

**Whereas**, S.395/H.R.847 would also mandate that commercial breeding facilities provide dogs with daily exercise; and

**Whereas**, This federal legislation is directed at only large commercial breeding facilities and will not affect small breeders and hobby breeders who sell fewer than fifty dogs per year directly to the public; and

**Whereas**, S.395/H.R.847 would close a loophole in the Animal Welfare Act that allows thousands of commercial breeders to go unregulated; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass and the President to sign into law the Puppy Uniform Protection and Safety Act (S.395/H.R.847), which would require commercial breeders who sell their puppies directly to the public, including via the Internet, to be licensed and inspected by the United States Department of Agriculture and mandate that commercial breeding facilities provide dogs with daily exercise.

Referred to the Committee on State and Federal Legislation.

Res. No. 1735

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.514/S.3872, legislation which would amend the Real Property Tax Law to allow veterans in New York City to enjoy the full value of the Veterans' Property Tax Exemption.**

By Council Members Eugene, the Speaker (Council Member Quinn), Recchia, Chin, Comrie, Dickens, Dromm, Fidler, Gentile, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Mendez, Richards, Rose, Vann, Williams, Wills, Palma, Arroyo, Van Bramer, Cabrera, Greenfield, Levin and Ulrich.

**Whereas**, A real property tax is a charge imposed upon real property by or on behalf of a county, city, town, village or school district for municipal or school district purposes; and

**Whereas**, In New York City, real property is assessed each year to determine its value and this assessment determines the amount of the Property Tax that will be charged upon the property; and

**Whereas**, In New York City, real property tax rates are set each year by the City Council, but such rates are limited by the real property tax cap, set by state law, which requires local governments and school districts to raise property taxes to no more than five percent or the rate of inflation from the prior year, whichever is less; and

**Whereas**, Under New York State law, there are several types of real property tax exemptions, which reduce the assessed value of a real property; and

**Whereas**, Most real property tax exemptions are full exemptions, meaning the value of the exemption is subtracted from the property's assessed value; and

**Whereas**, The Veterans' Property Tax Exemption is different from other property tax breaks available in New York, which fully exclude the exempted value from the Property Tax; and

**Whereas**, As the Veterans' Property Tax Exemption is currently defined, the exempted value is only partially non-taxable, as the property owner must still pay the School Tax Rate, the share of the Property Tax that pays for public schools, on the exempted value; and

**Whereas**, As a result, the more money the City spends on its public schools, the closer the School Tax Rate will be to the Property Tax rate; and

**Whereas**, The School Tax Rate varies from year to year, causing the value of the Veterans' Property Tax Exemption to fluctuate annually as well; and

**Whereas**, In recent years, New York City has been forced to increase the School Tax Rate due to reductions in state and federal education aid; and

**Whereas**, These fluctuations have steadily reduced the value of the Veterans' Property Tax Exemption and made those eligible for such exemptions unable to plan ahead for the amount they will owe each year; and

**Whereas**, On January 9, 2013 and February 26, 2013, New York State Assembly Member Michael Cusick and Senator Andrew Lanza, introduced A.514 and S.3872, respectively, legislation that would amend the State Real Property Tax Law so that the Veterans' Property Tax Exemption would be tied exclusively to the assessed value of the home and property taxes, rather than fluctuate according to how much the City spends on schools; and

**Whereas**, To eliminate these fluctuations in the exemptions value, this legislation would make the Veterans' Property Tax Exemption like other real property tax exemptions and exempt that value from the School Tax; and

**Whereas**, Following the proposed amendments to the State Real Property Tax Law, the Veterans' Property Tax Exemption will become fully non-taxable; and

**Whereas**, This change to state law would also ensure that the value of the exemption would rise consistent with increases in assessed value and/or the appropriate class property tax rate; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.514/S.3872, legislation which would amend the Real Property Tax Law to allow veterans in New York City to enjoy the full value of the Veterans' Property Tax Exemption.

Referred to the Committee on Veterans.

Res. No. 1736

**Resolution calling upon the Chancellor of the New York City Department of Education to institute a daily moment of silence in all New York City public schools.**

By Council Members Fidler, Williams, Oddo, Cabrera, Gonzalez, Halloran, Greenfield, Eugene, Gentile, Koo, Richards, Wills, King and Ulrich.

**Whereas**, Current New York State Education Law allows school districts to institute a moment of silence in public schools at the opening of every school day; and

**Whereas**, This moment of silence is not intended to be, and shall not be conducted as, a religious service or exercise; and

**Whereas**, Silent meditation in the public schools has continuously been the subject of vigorous litigation; and

**Whereas**, In 1984, the United States (U.S.) Supreme Court ruled in *Wallace v. Jaffree* that state statutes requiring school prayer are unconstitutional; and

**Whereas**, Meanwhile, several Federal Circuit Courts, having jurisdiction over other states, have upheld state statutes allowing silent meditation in schools; and

**Whereas**, However, all of the Federal Circuit Courts are not in agreement; and

**Whereas**, In 2011, the U.S. Supreme Court declined to hear a case involving the issue of a moment of silence in schools; and

**Whereas**, It is unclear how Federal Courts having jurisdiction over New York City would rule on this issue if challenged; and

**Whereas**, A moment of silence could be used as time for students to relax, reflect, pray or meditate; and

**Whereas**, School days are often hectic and children could benefit from this time in various ways; and

**Whereas**, In a February 27, 2012 article in *Psychology Today* entitled *A Moment of Silence: A Simple Way to Improve Schools/Safety*, author Izzy Kalman presents the idea that a moment of silence could improve the school environment by promoting self-control and setting a positive tone for the school day of both students and school staff; and

**Whereas**, Several schools in New York City have implemented a moment of silence in their respective school environments and have reported that some students have even improved academic performance since its implementation; and

**Whereas**, A daily moment of silence could help foster a positive environment for students and thereby improve their well-being in school; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Chancellor of the New York City Department of Education to institute a daily moment of silence in all New York City public schools.

Referred to the Committee on Education.

Int. No. 1037

By Council Members Garodnick, Fidler, Gentile, Jackson, James, Koo and Lander.

**A Local Law to amend the New York city charter, in relation to reporting tribunal outcomes.**

*Be it enacted by the Council as follows:*

Section 1. Section 1048 of the New York city charter is amended by adding a new subdivision 6 to read as follows:

*6. Beginning with an initial report due on December 1, 2013, the office shall submit a monthly report to each agency and police precinct that issued a notice of violation that was adjudicated by the office or any tribunal under its management since the issuance of the previous monthly report or, for the initial report, in the preceding three months. Each such report shall include data on the outcomes of adjudicatory hearings, categorized by violation and issuing agency. For those notices of violation that were dismissed, the report shall include a brief explanation of the reason for dismissal.*

§2. Subdivision g of section 2203 of the New York city charter is amended by adding a new paragraph 5 to read as follows:

*(5) Beginning with an initial report due on December 1, 2013, the commissioner shall submit a monthly report to each police precinct that issued a notice of violation that was adjudicated by the department since the issuance of the previous monthly report or, for the initial report, in the preceding three months. Each such report*

shall include data on the outcomes of the adjudicatory hearings on the notices of violation issued by such precinct, categorized by violation. For those violations that were dismissed, the report shall include a brief explanation of the reason for dismissal.

§3. Subdivision 4 of section 1504 of the New York city charter is amended to read as follows:

4. Parking violations bureau. The department shall operate and control the parking violations bureau. The commissioner shall appoint the director of the bureau, deputy director and all other officers and employees of the bureau, and hearing examiners. *Beginning with an initial report due on December 1, 2013, the commissioner shall submit a monthly report to each police precinct that issued a notice of parking violation that was adjudicated by the department since the issuance of the previous monthly report or, for the initial report, in the preceding three months. Each such report shall include data on the outcomes of adjudicatory hearings, categorized by violation. For those notices of violation that were dismissed, the report shall include a brief description of the reason for dismissal.*

§4. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1038

By Council Members Garodnick, James and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to daylight saving time.**

*Be it enacted by the Council as follows:*

Section 1. Section 2-106 of the administrative code of the city of New York is REPEALED.

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 1737

**Resolution calling upon the United States Congress to pass and the President to sign into law an amendment to the Help America Vote Act which would allow the use of lever machines in federal elections.**

By Council Members Greenfield, Comrie, Gentile, Koo, Mendez, Rose, Wills and Ulrich.

**Whereas**, In 2002, then President George W. Bush signed the Help America Vote Act (“HAVA”) into law, which was intended to correct many of the voting irregularities and problems that occurred during the 2000 general election; and

**Whereas**, In particular, much of the concern was directed towards the problems associated with the presidential election recount in Florida and the use of a punched card voting system; and

**Whereas**, Among the HAVA provisions is a requirement that voting machines used in federal elections include a permanent paper record of votes cast for the purposes of conducting audits and recounts; and

**Whereas**, This provision prevents the use of lever voting machines in federal elections, which had been in use in New York since the turn of the 20<sup>th</sup> century until 2010, and was not among the voting systems that caused problems during the Florida recount; and

**Whereas**, Since the introduction of optical scan voting machines, many voters have complained that the accompanying paper ballot is confusing and too difficult to read, and that the optical machines jam frequently, do not provide enough privacy, and generally increase confusion, thereby disenfranchising voters; and

**Whereas**, In addition, the optical scan voting system is more costly and administratively burdensome to operate than lever machines; and

**Whereas**, For these reasons, many voters and officials have expressed a preference to return to the lever machine voting system; now therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign into law an amendment to the Help America Vote Act which would allow the use of lever machines in federal elections.

Referred to the Committee on Governmental Operations.

Preconsidered Res. No. 1738

**Resolution calling on the State University of New York and the New York State Department of Health to work with stakeholders to pursue the acquisition of Long Island College Hospital (LICH) by another health care institution to preserve critical health care services for the community, and to ensure that all resources gained from any sale or transfer of LICH assets are used exclusively for the preservation of these services; and authorizing the Speaker to file or join amicus briefs on behalf of the Council in support of the preservation of such services.**

By Council Members Lander, Levin, Dickens, Fidler, Gennaro, Gentile, Gonzalez, Greenfield, James, King, Mealy, Mendez, Vann, Williams, Wills and Rose.

**Whereas**, For more than 150 years, Long Island College Hospital (“LICH”) has been a critical part of the Brooklyn healthcare system; and

**Whereas**, LICH provides medical care for over 100,000 patients a year and employs more than 2,000 people; and

**Whereas**, Closing LICH will negatively impact the delivery of healthcare in Brooklyn, especially for residents of the communities surrounding the hospital, including Red Hook, a neighborhood specifically designated as a “Health Professional Shortage Area” by the U.S. Department of Health and Human Services; and

**Whereas**, LICH is part of the State University of New York (“SUNY”) Downstate Medical Center; and

**Whereas**, LICH has faced financial difficulties for years and, on February 20, 2013, the President of SUNY Downstate Medical Center, John F. Williams, M.D., submitted a plan to the New York State Department of Health (“DOH”) to close LICH; and

**Whereas**, According to Part Q of Chapter 56 of the Laws of New York, signed on March 28, 2013, the Chancellor of SUNY is required to submit a sustainability plan for SUNY Downstate facilities on or before June 1, 2013, which must be approved by the DOH Commissioner and the New York State Director of the Division of Budget for implementation by June 15, 2013; and

**Whereas**, In the development of this plan the bill states that the SUNY Chancellor “shall consult with labor representatives, community representatives, and other regional stakeholders”; and

**Whereas**, In accordance with this law, SUNY and DOH should engage with stakeholders to develop a plan that preserves critical health care services at LICH; and

**Whereas**, SUNY and DOH should ensure that any resources from the sale or transfer of LICH real estate or any other LICH assets should be used exclusively for the continuation of critical health care services for the community, rather than for the budget of another institution; and

**Whereas**, SUNY and DOH should explore all options to preserve critical health care services for the community, including the acquisition of the LICH campus by another health care institution; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the State University of New York and the New York State Department of Health to work with stakeholders to pursue the acquisition of Long Island College Hospital (LICH) by another health care institution to preserve critical health care services for the community, and to ensure that all resources gained from any sale or transfer of LICH assets are used exclusively for the preservation of these services; and authorizing the Speaker to file or join amicus briefs on behalf of the Council in support of the preservation of such services.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Health).

Res. No. 1739

**Resolution adopting the rule amendment of the Procurement Policy Board to raise the micropurchase limit to \$20,000.**

By Council Members Mealy, Wills, Cabrera, Dickens, James, Koo and Williams.

**Whereas**, It has been ten years since the micropurchase limit has been increased for the City of New York; and

**Whereas**, On April 8, 2013, the Procurement Policy Board (“PPB”) adopted a rule amendment raising the micropurchase limit under Section 3-08 of the PPB Rules, for which no competition is required, from five thousand dollars (\$5,000) to twenty thousand dollars (\$20,000); and

**Whereas**, Raising the micropurchase limit will significantly reduce processing time for relatively small procurements and allow agencies to process these procurements in a more efficient and flexible manner; and

**Whereas**, As indicated by the Procurement Policy Board, raising the micropurchase limit will also increase the ability of New York City agencies to meet the goals set under the Minority and Women Owned Enterprise (“MWBE”) Program for the proportion of City contracts that are awarded to certified MWBE firms; and

**Whereas**, Section 314 of the New York City Charter requires concurrent action by the Council of the City of New York and the PPB to establish dollar limits for such small purchases; and

**Whereas**, A copy of the adopted PPB rule amendment is attached hereto and incorporated herein; now, therefore, be it

**Resolved**, That the Council of the City of New York adopts the rule amendment of the Procurement Policy Board to raise the micropurchase limit to \$20,000.

**Section 1. Section 3-08 of Chapter 3 of Title 9 of the Rules of the City of New York is amended as follows:**

§3-08 Small Purchases

(a) Definition. Small purchases are those procurements in value of not more than \$100,000. This shall be known as the small purchase limit.

(b) Application. A procurement shall not be artificially divided in order to meet the requirements of this section. Changes to and/or renewals of small purchases shall not bring the total value of the procurement to an amount greater than the small purchase limits.

(c) Scope.

(1) Competition Objective.

(i) Public notice of solicitation and award, presolicitation review report, Recommendation for Award, vendor protests, written notice to the low bidder or offeror of non-responsiveness, VENDEX Questionnaire (unless the aggregate value of purchases, franchises, and concessions awarded to that vendor including this one during the immediately preceding twelve-month period equals or exceeds \$100,000), and public hearing shall not be required for small purchases awarded pursuant to this section.

(ii) Micropurchases. For procurements the value of which is [\$5,000] \$20,000 or less, no competition is required except that in making purchases below this limit, Contracting Officers shall ensure that the noncompetitive price is reasonable and that purchases are distributed appropriately among responsible vendors, including M/WBE vendors. Documentation of such purchases shall identify the vendor the item was purchased from, the item purchased, and the amount paid.

(iii) For procurements in value over [\$5,000] \$20,000 through the small purchase limits, at least five vendors shall be solicited at random from the appropriate citywide small purchases bidders list established by the CCPO for the particular goods, services, construction, or construction-related services being purchased, except where the bidders list consists of fewer than five vendors, in which case all vendors on the list shall be solicited. Agencies may additionally employ any small purchase technique sanctioned by DSBS that is not otherwise in violation of these Rules. The agency may solicit additional vendors but only with the approval of the CCPO. Responsive bids or offers shall be obtained from at least two vendors. For purposes of this section, a response of “no bid” is not a responsive bid. If only one responsive bid or offer is received in response to a solicitation, an award may be made to that vendor if the Contracting Officer determines that the price submitted is fair and reasonable and that other vendors had reasonable opportunity to respond.

(2) Solicitation Methods and Use.

(i) Agencies shall use the following solicitation methods for] For small purchases valued at more than [\$5,000] \$20,000, agencies shall use [:

(A) for small purchases of goods valued at not more than \$25,000, an oral or written solicitation describing the requirements, or

(B) for small purchases of goods valued at more than \$25,000, a written solicitation describing the requirements, and

(C) for small purchases of services,] a written solicitation describing the requirements[.

(ii) An oral or written solicitation for a small purchase], which shall contain, at a minimum:

[(A)](i) a description of the item or service requested;

[(B)](ii) time, date, place, and form of

requested response;

[(C)](iii) basis for award; and

[(D)](iv) name and telephone number of the Contracting Officer to whom inquiries may be directed.

(d) Award. Small purchases valued at over [\$5,000] \$20,000 shall be awarded to the lowest responsive and responsible bidder or to the responsive and responsible offeror that has made the most advantageous offer. After such determination has been made and all necessary approvals have been obtained, the Contracting Officer shall issue a purchase order or contract, as appropriate, to the successful bidder or offeror.

Referred to the Committee on Contracts.

Res. No. 1740

**Resolution approving the granting of an exemption for real property taxes pursuant to section 420-a of the Real Property Tax Law, for the 2003 through 2008 assessment rolls for the parcel owned by the Foundation for Sephardic Studies, Inc. in the City of New York, borough of Brooklyn, designated on the tax map as block 07089, lot 07 in such borough, and the cancellation of taxes, fines, penalties and interest remaining unpaid, and the making of appropriate correction of the subject assessment rolls, if, upon accepting and reviewing the application or renewal application for such exemption, the Department of Finance is satisfied that such corporation would otherwise be entitled to such exemption if it had filed such application for exemption by the appropriate taxable status date, in accordance with, and upon the effective date of, the chapter law represented by Assembly Bill A. 6706.**

By Council Members Recchia and Comrie.

**Whereas,** The Foundation for Sephardic Studies, Inc. is a not for profit corporation organized as a synagogue located at 718 Avenue S in the City of New York, borough of Brooklyn, designated on the tax map as block 07089, lot 07 in such borough; and

**Whereas,** In accordance with Assembly Bill A. 6706 (“State legislation”), the Commissioner of the Department of Finance (“DOF”) would be authorized to accept an application for exemption from real property taxes pursuant to section 420-a of the Real Property Tax Law for the 2003 through 2008 assessment rolls for the parcel owned by such corporation; and

**Whereas,** The State legislation provides that such application, if accepted, would be reviewed as if it had been received on or before the taxable status date established by such assessment rolls; and

**Whereas,** Such State legislation also provides that if such corporation would otherwise be entitled to such exemption had such corporation filed such application or renewal application for exemption by the appropriate taxable status date, then the Commissioner of DOF, upon approval by the Council of the City of New York, may grant such exemption from all taxation with respect to the subject taxable assessment rolls due and owing on the effective date of such chapter law, and cancel taxes, fines, penalties and interest remaining unpaid, and make appropriate correction of the subject assessment rolls; now, therefore, be it

**Resolved,** That the Council of the City of New York hereby approves the granting of an exemption for real property taxes pursuant to section 420-a of the Real Property Tax Law, for the 2003 through 2008 assessment rolls for the parcel owned by the Foundation for Sephardic Studies, Inc. in the City of New York, borough of Brooklyn, designated on the tax map as block 07089, lot 07 in such borough, and the cancellation of taxes, fines, penalties and interest remaining unpaid, and the making of appropriate correction of the subject assessment rolls, if, upon accepting and reviewing the application or renewal application for such exemption, the Department of Finance is satisfied that such corporation would otherwise be entitled to such exemption if it had filed such application for exemption by the appropriate taxable status date, in accordance with, and upon the effective date of, the chapter law represented by Assembly Bill A. 6706.

Referred to the Committee on Finance.

Int. No. 1039

By Council Members Reyna and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the review and approval of petitions for revocable consents to operate sidewalk cafes.**

*Be it enacted by the Council as follows:*

Section 1. Section 20-225 of the administrative code of the city of New York, subdivisions e, f, g, and i as amended by local law number 8 for the year 2003 and subdivision h as added by local law number 70 for the year 1990, is amended to read as follows:

§20-225 Review and approval of petitions for revocable consents to construct and operate enclosed sidewalk cafes which do not require special permits. A petition for a revocable consent to construct and operate an enclosed sidewalk cafe which does not require a special permit modification pursuant to the zoning resolution shall be reviewed and approved in the following manner:

a. The petition shall be in such form as prescribed by the department. The petition shall be filed with the department which, within five days of the filing of such petition, shall forward copies thereof to the department of city planning, the department of environmental protection and the landmarks preservation commission for review pursuant to subdivision b of this section. The department shall forward copies of the petition, within five days of the filing of such petition, to the speaker of the council and to the council member in whose district the cafe is proposed to be located, for informational purposes.

b. The agencies to which the petition has been forwarded shall review the petition and shall indicate any objections to such petition, including any determination by the landmarks preservation commission that the petition requires a certificate of appropriateness, by filing written comments with the department of city planning within twenty-one days of the receipt thereof. The failure of an agency to indicate its objections within the prescribed time to the department of city planning shall be construed to mean that such agency has no objections.

c. If no objections to such petition are filed within the twenty-one day period prescribed in subdivision b of this section, the department of city planning shall forward the petition within five days after the close of such period to the *president of the borough in which the cafe is proposed to be located, for information purposes, and to the community board for the community district in which the cafe is proposed to be located, and such board shall review such petition pursuant to subdivision e of this section.*

d. If any objections exist, including any objections by the department of city planning, the department of city planning shall inform the petitioner of the objections and that review of the petition has been stayed until the objections indicated are resolved. If the objections are not resolved within six months from the date the petitioner is informed that review of the petition has been stayed, such petition shall be deemed to have been withdrawn. If the objections are resolved within the prescribed time, the department of city planning shall forward the petition within five days of such resolution to the council member in whose district the cafe is proposed to be located and to the community board for the community district in which the cafe is proposed to be located, and such board shall review the petition pursuant to subdivision e of this section.

e. The community board shall, not later than [forty-five] *thirty* days after receipt of such petition, either (i) notify the public of the petition in a manner specified by the city planning commission, conduct a public hearing thereon and submit a written recommendation to the department and to the council or (ii) waive by a written statement its public hearing and recommendation on such petition, and submit such statement to the department and to the council. *If the community board fails to take the actions on a petition provided for in the preceding sentence within the time period provided, the community board shall be deemed to have waived its public hearing and recommendation on such petition.*

f. Within thirty days after the expiration of the [forty-five day] period allowed for the filing of a recommendation or waiver by the community board *pursuant to subdivision e of this section*, the department shall (i) hold a public hearing on the petition, (ii) approve the petition, disapprove it or approve it with modifications, and (iii) file with the council any such decision to approve or approve with modifications, together with the petition, *except that if the department waives its public hearing, the department shall file with the council a written statement of such waiver and any decision to approve or approve with modifications, together with the petition, within ten days after the expiration of the period allowed for the community board filing of a recommendation or waiver pursuant to subdivision e of this section.* If [within the time period provided,] the department fails to [take the actions on a petition] *file with the council any decision to approve or approve with modifications, together with the petition, as provided [for] in the preceding sentence, the petition shall be deemed to have been denied, unless the department notifies the petitioner within the thirty-day period that an additional period of time, which shall not exceed sixty days, is required for further review of the petition. If the department fails to file with the council any decision to approve or approve with modifications, together with the petition, prior to or upon the expiration of any such additional period of time, the petition shall be deemed to have been denied.* [For] *Unless the department waives its public hearing, for a period of not less than fifteen calendar days prior to the date of such public hearing, the petitioner shall post notice of the public hearing in a place conspicuous to public view at the location of the proposed sidewalk cafe. At least fifteen days prior to the date of such hearing, the department shall give notice to the community board for the district in which the cafe is proposed to be located, to the president of the borough in which the cafe is proposed to be located and to the council member in whose district the cafe is proposed to be located. Not less than five calendar days prior to the date of any such hearing, notice of the hearing shall be published in the City Record and in one newspaper of local circulation in the community where the cafe is proposed to be located. No other notice requirements shall apply to hearings for revocable consents for sidewalk cafes.*

g. Within twenty days of the date the petition is received by the council pursuant to subdivision f of this section, the council may resolve by the majority vote of all council members to review the petition. If the council does not so resolve, the approval of the petition by the department shall be forwarded to the mayor for approval pursuant to subdivision i of this section, *unless, in accordance with that subdivision, the petition is one for which the mayor has determined that separate and additional mayoral approval is not required.*

h. If the council resolves to review a petition pursuant to subdivision g of this section, the council shall hold a public hearing, after giving public notice not less than five days in advance of such hearing. The council shall take final action on the petition and shall file with the mayor its resolution, if any, with respect to the petition, *except that if, in accordance with subdivision i of this section, the petition is one for which the mayor has determined that separate and additional mayoral approval is not required, the council shall file its resolution with the department. Such filing of the resolution shall take place within fifty days of the filing of the petition with the council pursuant to subdivision f of this section.* The affirmative vote of a majority of all the council members shall be required to approve, approve with modifications or disapprove the petition. Any modifications by the council shall not affect the terms of any proposed revocable consent agreement which relate to term, compensation, revocability, exclusivity, security, insurance, indemnification, erection, maintenance or removal of any structure, right of access by the city and rights of abutting property owners. If within the time period provided for in this subdivision, the council fails to act or fails to act by the required vote on a petition, the council shall be deemed to have approved the petition.

i. The consent shall be for such term and upon such conditions as may be provided in the approval of the petition by the department, as such approval may be modified by action of the council pursuant to subdivision h of this section, but shall be revocable at any time by the department. The separate and additional approval of the mayor shall be necessary to its validity, *unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.*

j. Consents for sidewalk cafes shall provide for fees to be paid annually to the city during the continuance of the consent. Such fees shall be calculated pursuant to a formula established by rule or by local law, which shall apply uniformly to all consents for enclosed sidewalk cafes. The department shall file with the council a written recommendation for a formula to be used to calculate such fees.

§ 2. Section 20-226 of the administrative code of the city of New York, subdivisions a and b as amended by local law number 8 for the year 2003 and subdivisions c, d, e, f, and g as amended and renumbered by local law number 8 for the year 2003, is amended to read as follows:

§ 20-226 Review and approval of petitions for revocable consents to operate unenclosed sidewalk cafes which do not require special permits. A petition for a revocable consent to operate an unenclosed sidewalk cafe which does not require a special permit modification shall be reviewed and approved in the following manner:

a. The petition shall be in such form as prescribed by the department. The department shall forward copies of the petition, within five days of the filing of such petition, to the *president of the borough in which the cafe is proposed to be located, the speaker of council and the council member in whose district the cafe is proposed to be located, for information purposes, and to the community board for the community district in which the cafe is proposed to be located, for review pursuant to subdivision b of this section.*

b. The community board shall, not later than [forty-five] *thirty* days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the department and to the council or (ii) waive by a written statement its public hearing and recommendation on such petition and submit such statement to the department and to the council. *If the community board fails to take the actions on a petition provided for in the preceding sentence within the time period provided, the community board shall be deemed to have waived its public hearing and recommendation on such petition.* The petitioner shall amend the petition if both the community board and the petitioner agree to modifications in writing. Such modifications shall be reflected in the written recommendations of the community board to the department and the council.

c. [The] *Within thirty days after the expiration of the period allowed for the filing of a recommendation or waiver by the community board pursuant to subdivision b of this section, the department shall (i) hold a public hearing on the petition pursuant to subdivision d of this section [and], (ii) approve the petition, disapprove it or approve it with modifications [within thirty days of the expiration of the forty-five-day period allowed for the filing of a recommendation by the community board], and (iii) file with the council any such decision to approve or approve with modifications, together with the petition, except that if the department waives its public hearing, the department shall file with the council a written statement of such waiver and any decision to approve or approve with modifications, together with the petition, within ten days after the expiration of the period allowed for the community board filing of a recommendation or waiver pursuant to subdivision b of this section.* If [within the time period provided,] the department fails to [take the actions on a petition] *file with the council any decision to approve or approve with modifications, together with the petition, as provided [for] in the preceding sentence, the petition shall be deemed to have been denied, unless the department notifies the petitioner within the thirty-day period that an additional period of time, which shall not exceed sixty days, is required for further review of the petition. If the department fails to file with the council any decision to approve or approve with modifications, together with the petition, prior to or upon the expiration of any such additional period of time, the petition shall be deemed to have been denied.* [Within the thirty-day time period provided for in this subdivision, the department shall file with the council any such decision to approve or approve with modifications, together with the petition.]

d. [The] *Unless the department waives its public hearing, the department shall hold a public hearing on each petition prior to approving, approving with modifications or disapproving the petition. For a period of not less than fifteen calendar days prior to the date of such public hearing, the petitioner shall post notice of the public hearing in a place conspicuous to public view at the location of the*



proposed sidewalk cafe. At least fifteen days prior to the date of the hearing, the department will give notice to the community board for the district in which the cafe is proposed to be located, to the president of the borough in which the cafe is proposed to be located and to the council member in whose district the cafe is proposed to be located. Not less than [five-calendar] *five calendar* days prior to the date of any such hearing, notice of the hearing shall be published in the City Record and in one newspaper of local circulation in the community where the cafe is proposed to be located. No other notice requirements shall apply to hearings for revocable consents for sidewalk cafes.

e. Within twenty days of the date the petition is received by the council pursuant to subdivision c of this section, the council may resolve by majority vote of all the council members to review the petition. If the council does not so resolve, the approval of the petition by the department shall be forwarded to the mayor for approval pursuant to subdivision g of this section, *unless, in accordance with that subdivision, the petition is one for which the mayor has determined that separate and additional mayoral approval is not required.*

f. If the council resolves to review a petition pursuant to subdivision e of this section, the council shall hold a public hearing, after giving public notice not less than five days in advance of such hearing. The council shall take final action on the petition and shall file with the mayor its resolution, if any, with respect to the petition, *except that if, in accordance with subdivision g of this section, the petition is one for which the mayor has determined that separate and additional mayoral approval is not required, the council shall file its resolution with the department. Such filing of the resolution shall take place within fifty days of the filing of the petition with the council pursuant to subdivision c of this section.* The affirmative vote of a majority of all the council members shall be required to approve, approve with modifications or disapprove the petition. Any modification by the council shall not affect the terms of any proposed revocable consent agreement which relate to term, compensation, revocability, exclusivity, security, insurance, indemnification, erection, maintenance or removal of any structure, right of access by the city and rights of abutting property owners. If within the time period provided for in this subdivision, the council fails to act or fails to act by the required vote on a petition, the council shall be deemed to have approved the petition. If within the time period provided for in this subdivision, the council approves the petition with modifications, the petitioner shall accept such modifications within fifteen days of such approval, or the council shall be deemed to have denied the petition.

g. The consent shall be for such term and upon such conditions as may be provided in the approval of the petition by the department, as such approval may be modified by action of the council pursuant to subdivision f of this section, but shall be revocable at any time by the department. The separate and additional approval of the mayor shall be necessary to its validity, *unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through f of this section, or any category of such petitions.*

h. Consents for sidewalk cafes shall provide for fees to be paid annually to the city during the continuance of the consent. Such fees shall be calculated pursuant to a formula established by rule or by local law, which shall apply uniformly to all consents for unenclosed sidewalk cafes. The department shall file with the council a written recommendation for a formula to be used to calculate such fees.

i. An unenclosed sidewalk cafe may not be opened or operated prior to the approval of the consent therefor by the department pursuant to this section.

§3. Section 20-227 of the administrative code of the city of New York, as amended by local law number 8 for the year 2003, is amended to read as follows:

§20-227 Review and approval of petitions for revocable consents to construct and operate sidewalk cafes which require special permits. Notwithstanding the provisions of any other section of the charter or code, a petition for a revocable consent to construct and operate a sidewalk cafe which requires a special permit modification pursuant to the zoning resolution shall be reviewed and approved in accordance with the provisions of sections one hundred ninety-seven-c and one hundred ninety-seven-d of the charter and shall require the approval of the department. The consent shall be for such term and upon such conditions as may be provided in the approval of the department but shall be revocable at any time by the department. The separate and additional approval of the mayor shall be necessary to its validity, *unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to this section, or any category of such petitions.* The consent shall provide for fees to be paid annually to the city during the continuance of the consent. Such fees shall be calculated pursuant to a formula established by rule or by local law pursuant to section 20-225(j) or section 20-226(h).

§4. This local law shall take effect one hundred twenty days after it shall have become a law, provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Consumer Affairs.

Res. No. 1741

**Resolution calling upon the United States Department of Labor to assume the cost of all Hurricane Sandy related unemployment claims through the Federal Disaster Unemployment Assistance Program and on the New York State Department of Labor to exempt businesses from paying unemployment claims due to Hurricane Sandy and all future disasters.**

By Council Members Reyna, Chin, Comrie, Dickens, Eugene, Fidler, Gentile, James, King, Lander, Mendez, Richards, Rose, Vann, Wills and Ulrich.

**Whereas**, On October 29, 2012, the storm known as Hurricane Sandy devastated many communities in New York City and the surrounding areas; and

**Whereas**, As the storm approached, public transportation service was suspended and many businesses were forced to close their doors and send their workers home early; and

**Whereas**, In addition to causing loss of life, halting public transportation, forcing school closures, and damaging infrastructure and houses of worship, the storm damaged and in some instances completely destroyed businesses located throughout the City; and

**Whereas**, Many of the businesses impacted by the storm remained closed for weeks which left their employees without work; and

**Whereas**, In the days after the storm, the New York State (“N.Y.S.”) Department of Labor provided several informational handouts at community forums and gatherings regarding Disaster Unemployment Assistance (“DUA”); and

**Whereas**, DUA is a federal program funded by the United States Department of Labor, that provides payments to people who live or work in a federally declared disaster area and who have lost work or income due to the disaster; and

**Whereas**, Although the federal government funds DUA, the N.Y.S. Department of Labor makes payments to those who qualify; and

**Whereas**, Employers were led to believe that their workers would be covered by this federal assistance program and were encouraged to have their workers apply; and

**Whereas**, However, according to articles published in Crain’s New York, business owners later found out that any worker that would qualify for regular unemployment insurance benefits would not qualify for DUA; and

**Whereas**, According to the N.Y.S. Department of Labor, whenever any claim for unemployment is filed it counts against an employer’s insurance account and increases the employer’s insurance tax rate; and

**Whereas**, It is safe to say that the majority of claims submitted in the days immediately following the storm were directly related to the disaster; and

**Whereas**, Businesses impacted by the storm have had many obstacles to surmount and should not be penalized as if they intentionally terminated workers; and

**Whereas**, The strength of the business community and the workers it employs is critical to New York City’s recovery from Hurricane Sandy as it has been to other devastating events; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Department of Labor to assume the cost of all Hurricane Sandy related unemployment claims through the Federal Disaster Unemployment Assistance Program and on the New York State Department of Labor to exempt businesses from paying unemployment claims due to Hurricane Sandy and all future disasters.

Referred to the Committee on Civil Service and Labor.

Int. No. 1040

By Council Members Richards, Lander, Wills, Brewer, Chin, Dromm, Fidler, James, Mealy, Mendez, Rose, Vacca, Weprin, Williams, Recchia, Levin, Reyna, Van Bramer, Mark-Viverito, Gonzalez, Nelson, Eugene, Garodnick, Dickens, Palma, Barron, Ulrich and Oddo.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a database to track the expenditure of funds in connection with recovery efforts in the wake of Hurricane Sandy.**

*Be it enacted by the Council as follows:*

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-138 to read as follows:

§6-138. *Reporting on the expenditure of Hurricane Sandy funds.*

a. *Definitions. For purposes of this section, the following terms shall have the following meanings:*

(1) *“Hurricane Sandy funds” means any local, state, or federal moneys allocated to recover and rebuild from Hurricane Sandy, including but not limited to funding designated by H.R. 152 of 2013, the Hurricane Sandy Emergency Supplemental Appropriations bill.*

(2) *“Hurricane Sandy funded projects” means any construction or services paid for, in whole or in part, with any Hurricane Sandy funds.*

(3) *“Recipient” means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.*

b. *The City shall establish a public online database on the website of the City of New York that shall include summaries of the administration of Hurricane Sandy funds. Such database, which shall be available in a non-proprietary format and shall be updated on a rolling basis as the City spends Hurricane Sandy funds, but no less frequently than once per week, shall include the following categories of information:*

(1) *the name of the recipient;*

(2) *a detailed description of the Hurricane Sandy funded project, including but not limited to the physical address, block and lot numbers, estimated dates of start*

and completion, and purpose of the project in relation to the City's recovery and rebuilding efforts;

(3) the value and type of funding provided, including but not limited to grants, loans, contracts, or other such forms of financial assistance;

(4) the total number of jobs at the time of award of Hurricane Sandy funds and the total number of additional jobs to be created and retained over the life of the Hurricane Sandy funded project, including the number of permanent full-time employees, the number of temporary full-time employees, the number of permanent part-time employees, the number of temporary part-time employees, and the total number of contract employees;

(5) the percentage of employees on Hurricane Sandy funded projects earning up to twenty thousand dollars per year; the percentage of employees on Hurricane Sandy funded projects earning more than twenty thousand dollars per year up to thirty-five thousand dollars per year; the percentage of employees on Hurricane Sandy funded projects earning more than thirty-five thousand dollars per year up to fifty thousand dollars per year; the percentage of employees on Hurricane Sandy funded projects earning more than fifty thousand dollars per year;

(6) the percentage of full-time employees on Hurricane Sandy funded projects and the percentage of part-time employees on Hurricane Sandy funded projects to whom their employers offer health benefits;

(7) the zip code of residence of employees on Hurricane Sandy funded projects, except that where the number of employees from one zip code is between one and five, the number of employees shall be replaced with a symbol;

(8) whether the recipient has ever been found by a court or a government agency to have violated federal, state or local laws relating to occupational safety and health, unemployment, workers compensation, employee misclassification, employment discrimination, employment disability, or other labor laws;

(9) whether the recipient participates in a union construction apprenticeship program and/or other local workforce development program, and, if any, the names of such programs;

(10) whether the Hurricane Sandy funded project is subject to and in compliance with federal, state or local prevailing wage laws;

(11) whether the Hurricane Sandy funded project is subject to and in compliance with Section 3 of the Housing & Urban Development Act of 1968; and

(12) a list of all contractors and subcontractors performing work on the project.

§2. This local law shall take effect 90 days after its enactment into law, provided, however, that city agencies, officers and employees, including but not limited to the city chief procurement officer, shall take such actions as are necessary for its implementation prior to such effective date.

Referred to the Committee on Contracts.

Int. No. 1041

By Council Members Ulrich, James, Koo and Koppell.

**A Local Law to amend the New York city charter, in relation to requiring the department of education, in consultation with the New York city police department, to provide additional security measures in public schools.**

*Be it enacted by the Council as follows:*

Section 1. Section 528 of the New York city charter is amended to read as follows:

§528. The installation and operation of security cameras *and additional security measures* at New York City public schools.

a. Installation of Security Cameras *and Buzzer Systems, and Other Security Measures*. The New York City department of education, in consultation with the New York City police department, shall install security cameras *and buzzer systems, and lock all entrance and exit doors* at schools and consolidated school locations operated by the department of education where the chancellor, in consultation with the New York City police department, deems such [cameras] *measures* appropriate for safety purposes. Such cameras may be placed at the entrance and exit doors of each school and may be placed in any area of the school where individuals do not have a reasonable expectation of privacy. *Such buzzer systems may be installed at main entry doors concurrently with security cameras or where security cameras have previously been installed.* The number, type, placement, and location of such cameras, *buzzer systems and equipment used to lock entrance and exit doors* within each school shall be at the discretion of the department of education, in consultation with the principal of each school and the police department.

b. Schedule of Installation. The department of education, in consultation with the police department, shall set the priorities for installation of cameras *and buzzer systems, and the plan to lock all entrance and exit doors* as set forth in subdivision a to include among other appropriate factors consideration of the level of violence in schools, as determined by the police department and the department of education. By the end of 2006, the potential installation of cameras shall have been reviewed for all schools under the jurisdiction of the department of education, including elementary schools. At the end of 2006, the department of education shall submit a report to the city council indicating, for each school under its jurisdiction, the findings of the review and the reasons for the findings contained therein. *By April 1, 2014, the potential installation of buzzer systems and the decision to lock entrance and exit doors shall have been reviewed for all schools under the jurisdiction of the*

*department of education, including elementary schools. By November 1, 2014, the department of education shall submit a report to the city council indicating, for each school under its jurisdiction, the findings of the review and the reasons for the findings contained therein.*

§2. This local law shall take effect 90 days after its enactment.

Referred to the Committee on Education.

Res. No. 1742

**Resolution calling on the New York State Legislature to introduce and pass, and the Governor to sign, legislation which would allow a tax credit for business owners who employ individuals who have been unemployed for at least six months.**

By Council Members Vallone, Jr., Comrie, Eugene, Fidler, Gentile, Koo, Rose, Williams and Wills.

**Whereas**, In December 2007, the nation officially entered into a recession, with the national unemployment rate peaking at 10.0 percent; and

**Whereas**, The recession hit New York City a short while after, and the City's unemployment rate reached a high of 10.0 percent in September 2009; and

**Whereas**, While the nation and the City's unemployment rate has slowly and steadily decreased since the Fall of 2009, both communities have experienced, and continue to experience, a state of joblessness; and

**Whereas**, Many individuals who became unemployed during the recession have yet to find employment; and

**Whereas**, Many argue that as the length of time between employment and unemployment increases for an individual, the chances of such individual finding employment decreases; and

**Whereas**, According to the National Employment Law Project ("NELP"), many employers exclude unemployed jobseekers from consideration based on the unfair assumption that those who are unemployed lack the necessary skills and work ethic needed for the job; and

**Whereas**, In a 2011 examination of online job posting websites, NELP found more than 150 advertisements over a four-week period that included language that explicitly required the applicants to be currently employed; and

**Whereas**, Shortly after the recession, many states, including New York, passed legislation to prevent discrimination against the unemployed in the hiring process; and

**Whereas**, New Jersey and Oregon have passed laws prohibiting employers from using language in job advertisements that clearly excludes unemployed applicants; and

**Whereas**, The District of Columbia not only bars discriminatory job advertisements, but it also prohibits employers from considering unemployment status when making employment decisions; and

**Whereas**, Last month, New York City adopted Local Law 14 of 2013, which not only bars discriminatory job advertisements, and prohibits employers from considering unemployment status when making employment decisions, but also subjects businesses to private actions for unemployment based discrimination claims and disparate impact claims; and

**Whereas**, Even with these protections, more needs to be done to incentivize business owners to hire currently unemployed job applicants once their employment status is known to the potential employer; and

**Whereas**, On March 28, 2010, President Barack Obama signed the HIRE (Hiring Incentives to Restore Employment) Act of 2010 <[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h2847enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h2847enr.txt.pdf)>, which, among other things, provides a general business tax credit of up to \$1,000 per previously unemployed worker who was: 1) hired between February 3, 2010 and January 1, 2011 by the employer; 2) unemployed for at least sixty days prior to hiring; and 3) retained by the employer for at least one year; and

**Whereas**, The following year, President Obama proposed the American Jobs Act of 2011 (S.1549/H.R.2421), which creates a \$4,000 tax credit for employers who hire anyone who has been unemployed for at least six months ("long-term unemployed"), and retain such person for at least one year; and

**Whereas**, On the state level, Florida, Maryland, Alabama, and New Jersey have all passed legislation providing tax credits or tax deductions to employers who hire unemployed job applicants; and

**Whereas**, In New York, on June 18, 2012, the New York State Senate passed Hire Now-NY (S.7664), legislation that would provide a tax credit to employers who hired an unemployed individual before April 1, 2013, and employed such individual for at least one year; and

**Whereas**, The credit would equal 6.85 percent of the gross wages paid to the employee, up to \$8,000; and

**Whereas**, No action has been taken in the New York State Assembly on this legislation; and

**Whereas**, While the New York State legislation encourages hiring those who are unemployed, individuals who have been unemployed for six months or longer still face greater difficulty in obtaining a job than their recently unemployed counterparts because of the unfair correlation many employers make between unemployment and competency and ambition; and

**Whereas**, Providing a tax credit to business owners who employ individuals who are long-term unemployed will level the playing field between the long-term unemployed and the recently unemployed; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to introduce and pass, and the Governor to sign, legislation which would allow a tax credit for business owners who employ individuals who have been unemployed for at least six months.

Referred to the Committee on Finance.

Preconsidered Res. No. 1743

**Resolution recognizing June as Gun Violence Awareness Month in New York City.**

By Council Members Williams, Cabrera, Vallone, Jr., The Speaker (Council Member Quinn), Comrie, Dickens, Dromm, Eugene, Fidler, Gennaro, Gentile, Gonzalez, Jackson, James, King, Koppell, Koslowitz, Lander, Mealy, Mendez, Richards, Vann, Wills, Rose and Chin.

**Whereas**, Gun violence is a national and local problem affecting many Americans and New Yorkers on a daily basis; and

**Whereas**, Numerous tragedies have occurred over the past few years demonstrating how serious of a problem gun violence can be; and

**Whereas**, Often national attention is drawn only to large scale tragedies, yet there are gun violence injuries occurring on a daily basis throughout many American cities; and

**Whereas**, In New York City in particular, 57% of all murders in 2012 were attributed to gun violence; and

**Whereas**, Moreover there were nearly 1,375 shooting incidents, where a person was injured either fatally or non-fatally, in New York City in 2012; and

**Whereas**, In New York City, gun violence is a problem that disproportionately impacts certain neighborhoods and populations; and

**Whereas**, For example, approximately half of all shooting incidents in 2012 occurred in only 10 of the City's 76 police precincts; and

**Whereas**, Additionally, 64 percent of the murder victims in New York City in 2012 were African American; and

**Whereas**, Of the African American males aged 16 to 21 who were murdered in 2012, 86% were killed by a gun; and

**Whereas**, It is therefore clear that gun violence is a plague on our communities which must be stopped;

**Whereas**, Furthermore, gun violence and the resulting injuries and murders typically increase substantially in the summer months; and

**Whereas**, In 2011, there was an almost 120% increase in shooting incidents when comparing the first quarter of that year to the third quarter of that year, which encompasses the months of July and August; and

**Whereas**, It is therefore necessary for the City of New York to join the efforts of New York State Senator Ruth Hassell-Thompson and New York State Assembly Member Karim Camara to continue to increase public awareness about guns and the severity of their impact on our communities by recognizing June as Gun Violence Awareness Month; and

**Whereas**, Recognition of the month of June as Gun Violence Awareness Month by local and state officials will increase efforts to protect all New Yorkers, especially those who are disproportionately affected by such violence, by furthering the dialogue with our local, state and federal partners to help examine the causes of gun violence and create meaningful solutions in an effort to prevent the violence from peaking again in the summer; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes June as Gun Violence Awareness Month in New York City.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Public Safety).

L.U. No. 802

By Council Member Comrie:

**Application No. N 130134 ZRQ submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to Article I, Chapter 4 and Article XI, Chapter 7, to modify certain provisions related to sidewalk cafes and to height and setback provisions of the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District, in the Borough of Queens, Community Districts 1 and 2, Council District 26.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 803

By Council Member Comrie:

**Application No. C 130064 ZMX submitted by NR Property 2 LLC pursuant to Section 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6a, changing an M1-2 District to an R7-A District, and establishing within the proposed R7-A District a C2-4 District to facilitate the development of a seven-story mixed use development located at 580 Gerard Avenue, Borough of Bronx, Community Board 4, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 804

By Council Member Comrie:

**Application No. N 130065 ZRX submitted by NR Property 2 LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, concerning Appendix F (Inclusionary Housing Designated Areas) to facilitate the development of a seven-story mixed use development locate at 580 Gerard Avenue, Borough of Bronx, Community Board 4, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 805

By Council Member Comrie:

**Application No. N 130202 HKQ, pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Firehouse, Engine Company 268, Hook & Ladder Company 137, located at 2-59 Beach 116 Street (Tax Map Block 16212, Lot 14) (Designation List 462, LP-2527), Borough of Queens, Community Board 14, Council District 32, as a historic landmark.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 806

By Council Member Comrie:

**Application No. N 130198 HKX, pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Firehouse, Engine Company 46, Hook & Ladder Company 17, located at 451-453 East 176 Street (Tax Map Block 2909, Lot 40) (Designation List 462, LP-2523), Borough of Bronx, Community Board 6, Council District 15, as a historic landmark.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 807

By Council Member Comrie:

**Application No. N 130199 HKX, pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Firehouse, Engine Company 73, Hook & Ladder Company 42, located at 655-659 and 661 Prospect Avenue, East 152 Street (Tax Map Block 2675, Lot 33) (Designation List 462, LP-2524), Borough of Bronx, Community Board 1, Council District 17, as a historic landmark.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 808

By Council Member Comrie:

**Application No. N 130200 HKK, pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Firehouse, Engine Company 28 (now Engine Company 228), located at 436 39 Street (Tax Map Block 709, Lot 19) (Designation List 462, LP-2525), Borough of Brooklyn, Community Board 7, Council District 38, as a historic landmark.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 809

By Council Member Comrie:

**Application No. N 130201 HKK, pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Firehouse, Engine Company 40, Hook & Ladder Company 21 (Now Engine Company 240/Battalion 48), located at 1307-1309 Prospect Avenue (Tax Map Block 5285, Lot 21) (Designation List 462, LP-2526), Borough of Brooklyn, Community Board 7, Council District 39, as a historic landmark.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 810

By Council Member Comrie:

**Application No. 20135524 HAX submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 847 Fox Street, Borough of Bronx, Community Board 2, Council District 17. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 811

By Council Member Comrie:

**Application No. 20135527 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 1772 Amsterdam Avenue and 801-05 St. Nicholas Avenue, Borough of Manhattan, Community Board 9, Council District 7. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 812

By Council Member Comrie:

**Application No. 20135525 HAX submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 748 Beck Street, Borough of Bronx, Community Board 2, Council District 17. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 813

By Council Member Comrie:

**Application No. 20135530 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 508 West 134<sup>th</sup> Street, Borough of Manhattan, Community Board 9, Council District 7. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 814

By Council Member Comrie:

**Application No. 20135529 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban**

**Development Action Area Project and related tax exemption for property located at 244-246 Elizabeth Street, Borough of Manhattan, Community Board 2, Council District 1. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 815

By Council Member Comrie:

**Application No. 20135532 HAR submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project for property located at 176 Dewey Avenue, Borough of Staten Island, Community Board 3, Council District 51. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 816

By Council Member Comrie:

**Application No. 20135531 HAQ submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project for property located at 142-05 Rockaway Boulevard, Borough of Queens, Community Board 12, Council District 28. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 817

By Council Member Comrie:

**Application No. 20135526 HAK submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 201, 203, 205 Mother Gaston Blvd., and 2396 Dean Street, Borough of Brooklyn, Community Board 16, Council District 37. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 818

By Council Member Comrie:

**Application No. 20135521 HAX submitted by the New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 2600 Briggs Avenue (Block 3293, Lot 39), Borough of Bronx, Community Board 7, Council District 15. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

Preconsidered L.U. No. 819

By Council Member Comrie:

**Application no. 20135519 RSY, for resolution authorizing an amendment to a previously executed agreement between the Mayor and Council establishing a Special Process for City Council Review and Approval of the “Coney Island Amusement Park Project Plan,” Borough of Brooklyn, Community Board 13, Council District 47.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

L.U. No. 820

By Council Member Comrie:

Application no. 20135404 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of HPA Restaurant, LLC, d/b/a Ben & Jack's Steakhouse, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 255 Fifth Avenue, Borough of Manhattan, Community District 5, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 821

By Council Members Comrie and Weprin (by request of the Mayor):

Application no. 20135563 GFY, Authorizing franchises for telecommunication services.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 822

By Council Member Comrie:

Application no. 20135399 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Ahshi Global, Inc. d/b/a Williamsburg Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 623 Grand Street, Borough of Brooklyn, Community District 1, Council District 34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Friday, April 26, 2013

★ Addition
Committee on FIRE AND CRIMINAL JUSTICE SERVICES..... 10:00 A.M.
Tour: .....Rikers Island
Details Attached.....Elizabeth Crowley, Chairperson

★ Deferred
Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS..... 10:00 A.M.
Agenda to be announced
Committee Room— 250 Broadway, 16th Floor ..... James Van Bramer, Chairperson

★ Deferred
Committee on MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES .....10:15 A.M.
Tour: .....Lutheran Medical Center Psychosocial Club & Young Adult Institute
Location: 514 49th St.
— 460 West 34th Street
Brooklyn, NY 11220
New York, NY 10001
Details Attached..... Oliver Koppell, Chairperson

★ Deferred
Committee on PARKS AND RECREATION..... 1:00 P.M.

Agenda to be announced
Committee Room— 250 Broadway, 14th Floor
.....Melissa Mark Viverito, Chairperson

★ Addition
Committee on GENERAL WELFARE ..... 1:00 P.M.
Oversight - The End of the City Hotel Program and Permanent Housing Solutions for Sandy Evacuees
Committee Room – 250 Broadway, 16th Floor ..... Annabel Palma, Chairperson

Monday, April 29, 2013

★Note Topic and Committee Addition
Committee on SMALL BUSINESS jointly with the
★Committee on ENVIRONMENTAL PROTECTION..... 10:00 A.M.
★Oversight - Leveraging Green Business in New York City.
Committee Room – 250 Broadway, 14th Floor ..... James Gennaro, Chairperson

★Note Topic Addition
Committee on TECHNOLOGY .....10:00 A.M.
Int. 132 - By Council Members Brewer, Dromm, Ferreras, James, Koppell, Lander, Mark-Viverito, Palma, Reyna, Rodriguez, Rose, Van Bramer, Williams, Garodnick, Foster, Vacca, Jackson and Halloran - A Local Law to amend the New York city charter, in relation to requiring that all public meetings be webcast.
Committee Room – 250 Broadway, 16th Floor
..... Fernando Cabrera, Chairperson

★ Addition
Committee on PARKS AND RECREATION .....10:45 A.M.
Tour: Fresh Kills Park
Location: Staten Island, NY 10314
Details Attached.....Melissa Mark-Viverito, Chairperson

★Deferred
Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS jointly with the
Committee on EDUCATION and the
Select Committee on LIBRARIES..... 1:00 P.M.
Oversight— The Availability of Certified School Librarians in New York City Public Schools
Committee Room— 250 Broadway, 16th Floor ..... James Van Bramer, Chairperson
..... Robert Jackson, Chairperson
..... Vincent Gentile, Chairperson

★ Addition
Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS jointly with the Subcommittee on SENIOR CENTERS..... 1:00 P.M.
Oversight - Seniors and Cultural Options
Committee Room – 250 Broadway, 16th Floor
..... James Van Bramer, Chairperson
..... David Greenfield, Chairperson

★Deferred
Committee on SANITATION AND SOLID WASTE MANAGEMENT..... 1:00 P.M.
Agenda to be announced
Committee Room— 250 Broadway, 14th Floor ..... Letitia James, Chairperson

★ Deferred
Committee on LOWER MANHATTAN REDEVELOPMENT ..... 1:00 P.M.
Agenda to be announced
Hearing Room— 250 Broadway, 16th Floor ..... Margaret Chin, Chairperson

Tuesday, April 30, 2013

★ Note Location Change
Subcommittee on ZONING & FRANCHISES.....9:30 A.M.
See Land Use Calendar Available Thursday, April 25, 2013
★Council Chambers – City Hall ..... Mark Weprin, Chairperson

★ Deferred

Committee on FINANCE.....10:00 A.M.
Agenda to be announced
Committee Room—250 Broadway, 14th Floor
.....Domenic M. Recchia, Chairperson

★ Deferred
Subcommittee on LANDMARKS, PUBLIC SITING
& MARITIME USES .....11:00 A.M.
See Land Use Calendar Available Thursday, April 25, 2013
Committee Room—City Hall.....Brad Lander, Chairperson

★ Deferred
Subcommittee on PLANNING, DISPOSITIONS
& CONCESSIONS.....1:00 P.M.
See Land Use Calendar Available Thursday, April 25, 2013
Committee Room—City Hall.....Stephen Levin, Chairperson

★ Note Topic Addition
Committee on HOUSING AND BUILDINGS .....1:00 P.M.
Int. 188 - By Council Members Fidler, Foster, Lander, Reyna, Williams, Cabrera,
Chin, Arroyo, Van Bramer, Rodriguez, Levin, Barron, Ferreras, Rose, Koslowitz,
Nelson, Vann, Mark-Viverito, Lappin, Gennaro, Crowley, Gentile, Recchia, Jr.,
Mendez, Gonzalez, James, Rivera, Jackson and Palma - A Local Law to amend the
administrative code of the city of New York, in relation to sales of cooperative
apartments.
★Proposed Int. 1003-A - By Council Members Dilan, Arroyo, Comrie, Koo and
Wills (by request of the Mayor) – A Local Law to amend the administrative code of
the city of New York, in relation to signs at construction sites with fences or sheds
and repealing section BC 3301.9 of the New York city building code in relation
thereto.
Committee Room – 250 Broadway, 14th Floor .....Erik Martin-Dilan, Chairperson

★ Note Topic Addition
Committee on CONTRACTS .....1:00 P.M.
★Res. 1739 - By Council Member Mealy - Resolution adopting the rule amendment of
the Procurement Policy Board to raise the micropurchase limit to \$20,000.
Oversight—Revisiting Vendex
Hearing Room – 250 Broadway, 16th Floor ..... Darlene Mealy, Chairperson

★ Addition
Committee on CIVIL SERVICE AND LABOR .....1:00 P.M.
Oversight - How is the Improving Economy Affecting New York City’s Labor
Market?
Committee Room – 250 Broadway, 16th Floor ..... Michael Nelson, Chairperson

Wednesday, May 1, 2013

★ Note Committee Removal
Committee on ECONOMIC DEVELOPMENT jointly with the
Committee on COMMUNITY DEVELOPMENT.....10:00 A.M.
Proposed Int. 438-A - By Council Members Vann, Comrie, Fidler, Foster, James,
Koppell, Koslowitz, Lander, Mark-Viverito, Recchia, Reyna, Williams, Rodriguez,
Van Bramer, Barron, Jackson, Nelson, Palma and Levin - A Local Law to amend the
New York city charter and the administrative code of the city of New York, in
relation to community impact reports for city-subsidized economic development
projects.
Res. 1257 - By Council Members Foster, Chin, Eugene, Jackson, James, Koppell,
Palma, Rose and Rodriguez (by request of the Bronx Borough President) -
Resolution calling for further improvement in the consideration of health impacts in
the Administration’s decision-making relating to real estate development projects,
plans, and policies, specifically by utilizing health impact assessments and by
increased collaboration between the Department of City Planning, the Economic
Development Corporation, and the Department of Health and Mental Hygiene.
Committee Room – 250 Broadway, 14th Floor ..... Karen Koslowitz, Chairperson
.....Albert Vann, Chairperson

Thursday, May 2, 2013

Committee on LAND USE.....10:00 A.M.
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor ..... Leroy Comrie, Chairperson

Committee on HEALTH.....1:00 P.M.
Int. 1020 - By Council Members Arroyo, Cabrera, Chin, Comrie, Dromm, Fidler,
King, Lander, Lappin, Rodriguez, Levin, Vann, Vacca, (by request of the Mayor) - A
Local Law to amend the administrative code of the city of New York, in relation to

the display of cigarettes and tobacco products by retail dealers of cigarettes and age
restrictions on entry to retail tobacco stores.
Int. 1021 - By Council Members Arroyo, Cabrera, Chin, Comrie, Dromm, Fidler,
King, Lander, Lappin, Rodriguez, Levin, Vann, Vacca, (by request of the Mayor) -
A Local Law to amend the administrative code of the city of New York, in relation to
the sale of cigarettes and tobacco products, the regulation of retail dealers and
wholesale dealers of cigarettes, and repealing subdivision c of section 17-176 of the
administrative code of the city of New York, relating to an exemption from such
section, and repealing section 17-707 of the administrative code of the city of New
York, relating to requiring public health messages where tobacco advertisements
appear.
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor
..... Maria del Carmen Arroyo, Chairperson

Friday, May 3, 2013

Committee on VETERANS .....10:00 A.M.
Res. 1735 - By Council Members Eugene, the Speaker (Council Member Quinn) and
Recchia - Resolution calling upon the New York State Legislature to pass, and the
Governor to sign, A.514/S.3872, legislation which would amend the Real Property
Tax Law to allow veterans in New York City to enjoy the full value of the Veterans’
Property Tax Exemption.
Committee Room– 250 Broadway, 14th Floor ..... Mathieu Eugene, Chairperson

Monday, May 6, 2013

Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL
INTERGROUP RELATIONS jointly with the
Committee on EDUCATION and the
Select Committee on LIBRARIES.....10:00 A.M.
Oversight - The Availability of Certified School Librarians in New York City Public
Schools
Committee Room – 250 Broadway, 14th Floor
..... James Van Bramer, Chairperson
..... Robert Jackson, Chairperson
..... Vincent Gentile, Chairperson

Committee on CIVIL SERVICE AND LABOR .....1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor ..... Michael Nelson, Chairperson

Tuesday, May 7, 2013

★ Note Committee Addition
Committee on CONSUMER AFFAIRS jointly with the
★Subcommittee on ZONING & FRANCHISES .....1:00 P.M.
Int. 875 - By Council Members Garodnick, Levin, Reyna, Brewer, Comrie, Dromm,
Gentile, James, Koo, Koppell, Koslowitz, Lander, Recchia, Rose, Williams, Wills
and Halloran - A Local Law to amend the administrative code of the city of New
York, in relation to permitting sidewalk cafés to operate on Sundays beginning at
10:00 a.m.
Proposed Int. 876-A - By Council Members Garodnick, Brewer, Comrie, Gentile,
James, Koo, Recchia, Williams and Wills - A Local Law to amend the administrative
code of the city of New York, in relation to operation of a sidewalk cafe.
Int. 1039 - By Council Member Reyna – A Local Law to amend the administrative
code of the city of New York, in relation to the review and approval of petitions for
revocable consents to operate sidewalk cafes.
Oversight - Licensing and Regulation of Sidewalk Cafes in New York City
Committee Room – 250 Broadway, 16th Floor ..... Daniel Garodnick, Chairperson
.....Mark Weprin, Chairperson

Committee on LOWER MANHATTAN REDEVELOPMENT .....1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor ..... Margaret Chin, Chairperson

Wednesday, May 8, 2013

Stated Council Meeting.....Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.
Location..... ~ Council Chambers ~ City Hall

MEMORANDUM

**April 22, 2013**

**TO:** ALL COUNCIL MEMBERS

**RE:** TOUR BY THE COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

**Please be advised that all Council Members are invited to attend a tour to:**

**Rikers Island**

The tour will be on **Friday, April 26, 2013 beginning at 10:00 a.m.** A van will be leaving City Hall at **9:00a.m. sharp.**

Council Members interested in riding in the van should call Robert Calandra at 212-788-7026.

Elizabeth Crowley, Chairperson  
Committee on Fire and Criminal  
Council  
Justice Services

Christine C. Quinn  
Speaker of the

MEMORANDUM

**April 22, 2013**

**TO:** ALL COUNCIL MEMBERS

**RE:** TOUR BY THE COMMITTEE ON PARKS AND RECREATION

**Please be advised that all Council Members are invited to attend a tour to:**

**Fresh Kills Park  
Staten Island, NY 10314**

The tour will be on **Monday, April 29, 2013 beginning at 10:45 a.m.** A van will be leaving City Hall at **9:45 a.m.**

Council Members interested in attending should call Kristoffer Sartori at 212-788-9075.

Hon. Melissa Mark-Viverito, Chairperson  
Quinn  
Committee on Parks and Recreation

Hon. Christine C.  
Speaker of the Council

By this point in the Meeting, the City Clerk and Clerk of the Council (Mr. McSweeney) had assumed his seat at the front dais.

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, May 8, 2013.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

**Editor's Local Law Note:** Int Nos. 641-A, 941-A, 942-A, 949-A, 956, and 1032, all adopted at the April 9, 2013 Stated Meeting, were signed into law by the Mayor on April 23, 2013 as, respectively, Local Laws Nos. 32, 33, 34, 35, 36, and 37 of 2013.

